

# **BOARD FOR JUDICIAL ADMINISTRATION**



WASHINGTON  
**COURTS**

## **MEETING PACKET**

**FRIDAY, JUNE 20, 2008  
9:30 A.M.**

**AOC SEATAC OFFICE  
SEATAC OFFICE CENTER  
18000 INTERNATIONAL BOULEVARD, SUITE 1106  
SEATAC, WASHINGTON**

# Board for Judicial Administration Membership

## VOTING MEMBERS:

**Chief Justice Gerry Alexander**, Chair  
Supreme Court

**Judge Vickie Churchill**, Member-Chair  
Superior Court Judges' Association  
Island County Superior Court

**Judge Marlin J. Appelwick**  
Court of Appeals, Division I

**Judge Rebecca M. Baker**  
Superior Court Judges' Association  
Ferry/Stevens/Pend Oreille Superior Courts

**Judge Ronald Culpepper**  
Superior Court Judges' Association  
Pierce County Superior Court

**Judge Sara Derr**  
District and Municipal Court Judges'  
Association  
Spokane County District Court

**Judge Susan Dubuisson**  
District and Municipal Court Judges'  
Association  
Thurston County District Court

**Judge Deborah Fleck**  
Superior Court Judges' Association  
King County Superior Court

**Judge Michael Lambo**  
District and Municipal Court Judges'  
Association  
Kirkland Municipal Court

**Judge Marilyn Paja**, President  
District and Municipal Court Judges'  
Association  
Kitsap County District Court

**Justice Barbara Madsen**  
Supreme Court

**Judge Richard McDermott**, President,  
Superior Court Judges' Association  
King County Superior Court

**Judge Robert McSeveney**  
District and Municipal Court Judges'  
Association  
Kent Municipal Court

**Judge Christine J. Quinn-Brintnall**  
Court of Appeals, Division II

**Judge John Schultheis**  
Court of Appeals, Division III

## NON-VOTING MEMBERS:

**Mr. Stanley A. Bastian**, President  
Washington State Bar Association

**Judge C.C. Bridgewater**, Presiding Chief  
Judge  
Court of Appeals, Division II

**Judge Tari Eitzen**, President-Elect  
Superior Court Judges' Association  
Spokane County Superior Court

**Mr. Jeff Hall**  
Interim State Court Administrator

**Mr. Mark Johnson**, President-Elect,  
Washington State Bar Association

**Ms. Paula Littlewood**, Executive Director  
Washington State Bar Association

**Judge Glenn Phillips**, President-Elect  
District and Municipal Court Judges'  
Association  
Kent Municipal Court

# Board for Judicial Administration

June 20, 2008

9:30 a.m.

AOC SeaTac Office,  
Suite 1106, SeaTac Office Center

## Agenda

1. Call to Order	Chief Justice Gerry Alexander Judge Vickie Churchill	
2. Welcome and Introductions	Chief Justice Gerry Alexander Judge Vickie Churchill	
<b>Action Items</b>		
3. May 16, 2008 Meeting Minutes <b>Action: Motion to approve the minutes of the May 16, 2008 meeting</b>	Chief Justice Gerry Alexander Judge Vickie Churchill	Tab 1
4. Change/Clarification to the Interpreter Services Funding Conditions <b>Action: Motion to approve the recommended revision to the Interpreter Services Funding Conditions</b>	Mr. Chris Ruhl	Tab 2
<b>Reports and Information</b>		
5. Interpreter Commission Report	Justice Susan Owens	Tab 3
6. Trial Court Operations Funding Committee Report	Judge Harold Clarke III	Handout
7. Revision to General Rule 29 (k) Judicial Services Contracts	Judge Marilyn Paja	Tab 4
8. Court Budget Reporting Group Report	Ms. Roni Booth	
9. Courthouse Facilitator Summary	Dr. Tom George	Tab 5
10. BJA Trial Court Coordination Grants Report	Mr. Jeff Hall	Tab 6
11. BJA Long-Range Plan	Judge Vickie Churchill	Tab 7
12. Additional Judge for Division II	Judge C.C. Bridgewater	Tab 8
13. Access to Justice Board	Mr. M. Wayne Blair	
14. Washington State Bar Association	Ms. Paula Littlewood	
15. Reports from the Courts Supreme Court Court of Appeals Superior Courts Courts of Limited Jurisdiction	Chief Justice Gerry Alexander Judge C. C. Bridgewater Judge Tari Eitzen Judge Marilyn Paja	

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16. Other Business August Meeting Next meeting: July 18 Beginning at 9:30 a.m. at the AOC SeaTac Office, SeaTac	Chief Justice Gerry Alexander Judge Vickie Churchill	
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**Board for Judicial Administration**  
**May 16, 2008**  
**AOC SeaTac Office**  
**SeaTac, Washington**

**Members Present:** Chief Justice Gerry Alexander, Chair; Judge Vickie Churchill, Member Chair; Judge Rebecca Baker; Mr. Stan Bastian; Judge Sara Derr; Judge Susan Dubuisson; Judge Deborah Fleck; Mr. Jeff Hall; Justice Barbara Madsen; Judge Larry McKeeman; Judge Robert McSeveney; Judge Marilyn Paja; Judge Christine Quinn-Brintnall; and Judge Stephen Shelton

**Guests Present:** Mr. Jim Bamberger, Mr. M. Wayne Blair, Ms. Roni Booth, and Ms. Marti Maxwell

**Staff Present:** Ms. Beth Flynn, Mr. Dirk Marler, Ms. Mellani McAleenan, Ms. Regina McDougall, and Mr. Ramsey Radwan

The meeting was called to order by Chief Justice Alexander.

April 18, 2008 Meeting Minutes

**It was moved by Judge Shelton and seconded by Judge McSeveney to approve the minutes of the April 18, 2008 meeting. The motion carried.**

Draft Criteria of Family and Juvenile Court Improvement Plan

Ms. McDougall stated that because of the law that passed last session, the BJA has an obligation to approve the Family and Juvenile Court Improvement Plan funding criteria.

**Judge Fleck moved and Judge Dubuisson seconded to approve the Phase I funding application. The motion carried.**

Judge McKeeman suggested the following wording for the Phase II, Criteria 5:

5] Identify which UFC will be incorporated into the ways in which the plan is consistent with the WFJCIP. Each request shall identify at least one UFC principle that with which the improvement will aim to accomplish be consistent with principals adopted for UFC. [See Attachment C detailing the UFC Principles]

**Judge Fleck moved and Judge Dubuisson seconded to approve the Phase II funding application as revised per Judge McKeeman's amendments. The motion carried.**

BJA Long-Range Planning Committee Taskforce Recommendation Reviews

Ms. McAleenan explained that this agenda item was carried over from the April BJA meeting.

**Recommendation:** The Supreme Court should establish a task force to recommend a uniform schedule of filing fees, evaluate the practice of recovery of filing fees, and create a model contract defining court services.

DMCJA should draft legislation requiring that all contracts or agreements for court services be reduced to writing and filed with OAC.

**It was moved by Judge Fleck and seconded by Judge Dubuisson to refer this recommendation to the DMCJA to draft a proposed rule to ARLJ 12 to add the responsibility to the presiding judge to transmit a copy of the contract for court services to AOC. The motion carried.**

**It was moved by Judge Dubuisson and seconded by Judge Baker that this recommendation should be included in the Judiciary's Long-Range Plan and should be referred to the following group for action: BJA Long-Range Planning Committee to recommend establishment of a BJA subcommittee to create a checklist for use by courts and government agencies to use in drafting contracts related to court services; checklist should include with each item a brief narrative about the need for such topic, from the BJA perspective. The motion carried.**

**Recommendation:** All candidates for judicial office shall have been active members of the state bar and/or shall have served as a judicial officer for at least the stated time periods:

- Supreme Court and Court of Appeals – 10 years
- Superior Court – 7 years
- District Court – 5 years

**Judge McKeeman moved and Judge Dubuisson seconded that this does not warrant further action or consideration.**

**Judge Fleck asked for a friendly amendment to add that the BJA would be supporting steps to further educate the public about judicial candidates regarding their judicial experience. Judges McKeeman and Dubuisson accepted the friendly amendment.**

**The motion carried with Justice Madsen opposing.**

**Recommendation:** All candidates for judicial office shall have resided in the judicial district or county for the stated time periods immediately preceding candidacy:

- Supreme Court – 7 years in state
- Court of Appeals – 5 years in judicial district
- Superior Court – 5 years in judicial district
- District Court – 2 years in county

**Judge McKeeman moved and Judge McSeveney seconded that this recommendation does not warrant further action or consideration. The motion carried.**

**Recommendation:** Courts should publish and post for public review, the amounts charged for all fees and costs.

Ms. Roni Booth stated this is currently being done by all County Clerks.

**Judge McKeeman moved and Judge Dubuisson seconded that this recommendation has previously been acted upon and is completed. After discussion, the motion was withdrawn.**

Mr. Bamberger said that not only should there be publication of the fees and costs but also the procedures regarding how the fees and costs can be waived. From the Office of Civil Legal Aid's perspective, they think it is very important to have this information readily available to the public.

**It was moved by Judge Fleck and seconded by Judge Derr to include this recommendation (Courts should publish and post for public review, the amounts charged for all fees and costs and the procedures for obtaining waivers of the fees and costs) in the Judiciary's Long-Range Plan and it should be referred to the following groups for action: Washington State Association of County Clerks, Association of Washington Superior Court Administrators and the District and Municipal Court Management Association. The motion carried.**

**Recommendation:** The Commission recommends that the Supreme Court require, and state and local legislative bodies fund, community supervision and probation services in the courts of limited jurisdiction, so that such services will be available in all courts for all defendants who need them.

**It was moved by Justice Madsen and seconded by Judge McSeveney to refer this recommendation back to the Long-Range Planning Committee to continue to develop this recommendation and that it**



**be broadened to include probation services for all courts. The motion carried.**

Revised Principal Policy Goals of the Washington State Judicial Branch

Judge Baker reported that several revisions were made to the Policy Goals. The quote from Alexander Hamilton was deleted because it gave the impression the judicial branch was more important than the other two branches of government. They agreed that the Policy Goals are plainly aspirational with a goal-oriented statement. They worried about creating actionable rights so they included the footnote.

Goal number six was deleted from the goals. It is not one of the judiciary's main policy goals. It is something the judiciary does, but is not a goal, and it was thought it would create some confusion on how the public records policy applies to the judicial branch of government.

**Judge Baker moved and Judge Quinn-Brintnall seconded to have the Board adopt the Principal Policy Goals of the Washington State Judicial Branch.**

**Chief Justice Alexander asked for a friendly amendment to indicate the BJA recommends the Policy Goals to the Supreme Court. Both Judges Baker and Quinn-Brintnall accepted the amendment.**

Chief Justice Alexander asked about the footnote. Judge Quinn-Brintnall stated that at the time of the first draft of the objectives, it was thought that a question could be brought about by goal number six that the judiciary was subject to the public records act. Case law indicates that is not the case even though most courts attempt to meet reasonable records requests. The footnote was added to show these are goals and not create enforceable rights. The footnote also wasn't needed when the beginning of the document clearly indicated that the goals were for budget purposes only. That information was deleted and the document is no longer narrowed to budget purposes only.

**Judge McKeeman asked for a friendly amendment to change the word "individuals" to "litigants" in goal number three. Judges Baker and Quinn-Brintnall agreed. The motion failed.**

**Judge Fleck moved and Judge McSeveney seconded that the Principal Policy Goals of the Washington State Judicial Branch be recommended to the Supreme Court with the following revisions. In goal number three, the word "individuals" should be changed to**

**“litigants” and the footnote should be deleted. The motion carried with Judge Quinn-Brintnall opposing.**

#### 2009-11 Biennium Budget Update

Mr. Radwan reported that the Supreme Court Budget Committee made preliminary budget recommendations to the full Court regarding the Justice In Jeopardy Court Operations funding requests (juror compensation, increased state funding for district/municipal salaries, and increased interpreter funding).

The Budget Committee recommended that the interpreter funding request be included in the Supreme Court budget submission. This essentially means that the proposal will proceed to detailed decision package development and will receive further consideration in September.

The juror package will not be submitted in the Supreme Court budget. Rather, the Committee recommended that this proposal proceed as policy legislation.

The same route was decided on for the increased state funding of district and municipal judge salaries. Right now, the state pays for approximately 20% of the salaries. An increase of about 10% over the next three biennia will get the state funding to 50% of the salaries. It will take a statutory fix to change the funding mechanism.

The Court, sitting en banc, will consider the budget committee recommendations on June 5.

Chief Justice Alexander wanted to make clear that these are all provisional approvals. Final decisions will be made in the fall after the proposals are more developed.

The total amount of new judicial branch funding proposals for 2009-11 exceeds \$120,000,000. Therefore, the Budget Committee paid very close attention to the total amount being approved to go forward in the budget proposal (versus pursued as policy legislation).

Mr. Hall added that in September, depending on what the budget outlook looks like, the Supreme Court could determine that they need to send more requests through policy changes instead of including them in the Supreme Court budget.

#### Access to Justice Board

Mr. Blair shared that the annual Access to Justice Conference will be held

June 6-8 at the Red Lion Hotel in Vancouver. The theme is justice without borders.

Judge Gregg Tripp rotated out as Chair of the Access to Justice Board and was replaced by Judge Steven González who is Chair-elect. Chair of the Access to Justice Board for the next two years is Mr. Dan Gottlieb.

Mr. Blair also shared that the latest issue of the *Bar News* was dedicated to access to justice.

#### Washington State Bar Association

Mr. Bastian reported that every April the Equal Justice Coalition sends a group to Washington DC to lobby Congress to fund access to justice. Mr. Bastian attended as President of the WSBA. As a member of the Appropriations Committee, Senator Murray has never felt it was appropriate to sign a letter asking for access to justice funding but she did sign it this year.

The Judicial Selection Task Force will report at the next WSBA Board of Governors meeting. The majority report recommends moving away from the current judicial election system. The minority report recommends keeping it the same as it currently is. Mr. Hall will try to attend the meeting and make the position of the BJA known regarding judicial elections.

The ABA Model Code Judicial Conduct is being reviewed and the WSBA will have three members serve on the revision team. The WSBA wanted representatives who spent their career in court, had experience with judges, and were new to serving on WSBA committees. The three WSBA representatives will be approved by the Board of Governors.

#### Report from the Courts

**Supreme Court:** Justice Madsen stated that the Supreme Court recently heard oral arguments at Highline Community College. They had a wonderful visit with the faculty and students.

**Court of Appeals:** Judge Quinn-Brintnall reported that Division I has space on their docket so Division II sent some of their cases there to assist with a backlog of cases. Because of their caseload, Division II is requesting an eighth judge. She reported that it appears that General Administration will extend Division II's lease for another ten years but they do not yet know who will own the building.

**Superior Courts:** Judge Churchill stated that the SCJA has a Long-Range Planning Committee meeting on June 6. Judge Harris will attend the upcoming WSBA Board of Governors meeting and report back.

Judge Fleck reported that the SCJA is developing a legislative strategy which will focus on families, children, criminal law, and achievement of the Justice in Jeopardy Initiative.

Judge McKeeman stated this is his last meeting and Judge Culpepper will attend the next meeting.

**Courts of Limited Jurisdiction:** Judge Shelton shared that it is also his last meeting and he enjoyed the last two years as DMCJA President-Elect and President.

Judge Paja said the DMCJA just concluded a Board retreat where they heard from WSBA staff about increasing diversity in the judiciary.

There being no further business, the meeting was adjourned.



## WASHINGTON STATE INTERPRETER SERVICES FUNDING

### **FUNDING CONDITIONS / PAYMENT STRUCTURE**

Following are the conditions and payment structure for the interpreter services funding. They generally reflect those set forth in the decision package presented to the 2007 legislature which ultimately resulted in receipt of this funding.

1. **GENERAL:** The AOC will reimburse trial courts for 50% of the cost of certified, registered or qualified interpreters subject to the following requirements:

- a. **Certified Languages**

Compensation for interpreters for certified languages will only be reimbursed for compensation paid to certified interpreters. Notwithstanding, if the AOC master interpreter list for certified languages does not include any interpreters certified for a particular language, reimbursement will be provided for compensation to an interpreter who is otherwise qualified on the record pursuant to Chapter 2.43 RCW for services provided on or before December 31, 20089.

- b. **Registered Languages**

Compensation for interpreters for registered languages will only be reimbursed for compensation paid to registered interpreters. Notwithstanding, if either (1) the AOC master interpreter list for registered languages does not include any interpreters registered for a particular language, or (2) after diligent search, a registered interpreter cannot be obtained for a particular language; then reimbursement will be provided for compensation to an interpreter who is otherwise qualified on the record pursuant to Chapter 2.43 RCW for services provided on or before December 31, 20089.

- c. **Non-Certified and Non-Registered Languages**

Compensation for interpreters for languages for which neither certification nor registration is offered will be reimbursed where the interpreter has been qualified on the record pursuant to Chapter 2.43 RCW.

Implementation sites will be expected to work closely with AOC and the Interpreter Commission to encourage and assist interpreters to become certified in needed certified languages (such as Somali, Arabic and Mandarin), and to become registered in needed registered languages.

2. **RATE & HOURLY MINIMUM:** Certified or registered interpreters are compensated at a rate of \$50 per hour with up to a two hour minimum. Qualified interpreters are compensated at a rate of up to \$50 per hour with up to a two hour minimum. Interpreter compensation in excess of \$50 per hour or requiring a guarantee of payment for more than a two hour minimum (where the actual interpreter service ultimately provided was not more than two hours) will be the sole responsibility of the court. Compensation for services provided in excess of the one or two hour minimum must be charged and paid in 30 minute increments.
3. **STAFF INTERPRETERS:** The cost of staff interpreters will be reimbursed for interpreter services only, under the same conditions as in (1) above, up to a maximum total salary of \$60,000 plus 27% in benefits (i.e., state reimbursement = \$30,000 plus 13.5% in benefits).
4. **CONTRACT INTERPRETERS:** The cost of contract interpreters who are paid on an hourly basis will be reimbursed under the same conditions as in (1) and (2) above. The cost of contract interpreters who are paid other than on an hourly basis (e.g., on a half-day or flat rate basis) will be reimbursed under the same conditions as in (1) above, up to a maximum equivalent of \$50 per hour for the actual number of hours of interpreting.
5. **TRAVEL & MILEAGE:** The AOC will reimburse trial courts for up to 50% of the cost of interpreter travel and mileage in accordance with the Dept. of Social and Health Services (DSHS) interpreter travel and mileage reimbursement policy. See **INTERPRETER TRAVEL AND MILEAGE REIMBURSEMENT** for details. Travel and mileage will only be reimbursed for certified, registered or qualified interpreters per (1) above. The AOC reserves the right to limit travel reimbursement to reasonable travel based on known availability and location of certified, registered or qualified interpreters.
6. **ASL INTERPRETERS:** In order to receive funding for American Sign Language (ASL) interpreters, courts must use either (a) an interpreter with an SC:L or comparable legal specialist certification, or (b) interpreters provided or referred by DSHS Office of Deaf and Hard of Hearing (ODHH) or a community center for the hard of hearing. Interpreters obtained under (b) must be paid according to the scale set by ODHH. See RCW 2.42.130, 2.42.170. Under the current DSHS state contract, this pay rate is typically \$50 per hour with a one hour minimum. ASL interpreter compensation in excess of \$50 per hour or requiring a guarantee of payment for more than a two hour minimum (where the actual interpreter service ultimately provided was not more than two hours) will be the sole responsibility of the court.

7. **ASL TRAVEL & MILEAGE:** Travel and mileage costs for ASL interpreters will be reimbursed under the same conditions as for spoken language interpreters per (5) above.
8. **TELEPHONE INTERPRETING:** The AOC will reimburse local jurisdictions for up to 50% of the cost of using certified, registered or qualified interpreters (per (1) above) by telephone for LEP persons in court proceedings, up to a maximum of \$1.64 per minute (with no minimum service time).
9. **LANGUAGE LINE:** The AOC will reimburse local jurisdictions for up to 50% of the cost of Language Line services for telephone interpreting outside of the courtroom – e.g., at the court front counter or self-help center – when such services are used through the state's contract with Language Line.
10. **SCOPE OF INTERPRETER FUNDING:** The interpreter services funding can only be used to pay for interpreter services currently being paid out of the applicant's budget (or budgets, in the case of multi-court collaborative applicants).
11. **REIMBURSEMENT VS. GRANT:** Funding recipients will periodically bill AOC and be reimbursed for interpreter costs rather than receiving funds as a grant.



# INTERPRETER TRAVEL AND MILEAGE REIMBURSEMENT

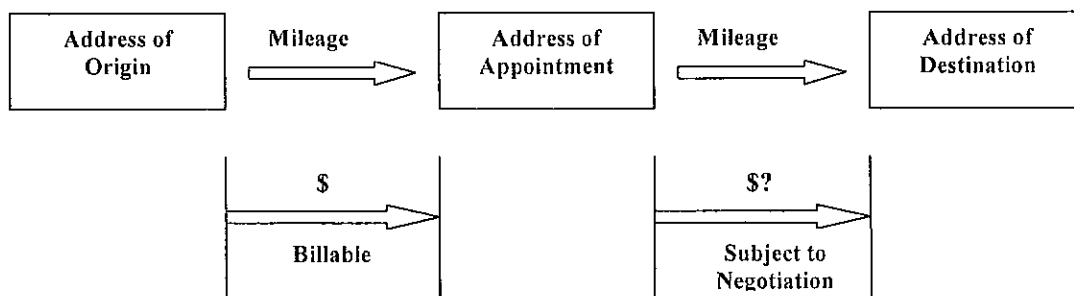
Interpreter mileage or travel time will be reimbursed as follows:

## MILEAGE

Interpreter mileage will be reimbursed in accordance with the prevailing Office of Financial Management (OFM) Policy and Guidance rate. The court will notify interpreters of any change in the OFM rate before it becomes effective.

Mileage will be reimbursed on a from "address of origin"<sup>1</sup> to "address of appointment"<sup>2</sup> basis. The court and interpreter will negotiate reimbursement for mileage traveled from the "address of appointment" to "address of destination"<sup>3</sup> on a case by case basis. (NOTE: Courts are encouraged to have a consistent policy regarding the return trip.) In Eastern Washington, due to the scarcity of interpreters and vast distance for portal to portal travel, it is recommended that the court reimburse the interpreter for mileage on an "address of appointment" to "address of destination" or round trip basis<sup>4</sup>.

Interpreter mileage related to an appointment is billable if a required party fails to appear. If the interpreter fails to appear, he/she will not be paid for mileage. "Failure to appear" means a non-appearance by the limited English proficiency, deaf or hard of hearing client, attorneys, witnesses or any necessary party to a hearing, thereby necessitating a cancellation or continuance of the hearing. Mileage related to appointments that have been cancelled where the interpreter has received prior notice of the cancellation is not billable.



<sup>1</sup> "Address of origin" means the interpreter's home, office or immediately previous appointment meeting place.

<sup>2</sup> "Address of appointment" means the courthouse or other location of the interpreter assignment.

<sup>3</sup> "Address of destination" means the interpreter's home, office or immediately next appointment meeting place.



<sup>4</sup> "Roundtrip" means from the interpreter's home/office to the appointed meeting place, followed by the interpreter's return to their home/office.

## TRAVEL TIME

Travel time will be reimbursed on a from "address of origin" to "address of appointment" basis. The court and interpreter will negotiate reimbursement for travel time from "the address of appointment" to "address of final destination" on a case by case basis at the time the appointment is requested. (NOTE: Courts are encouraged to have a consistent policy regarding the return trip.) In Eastern Washington, due to the scarcity of interpreters and vast distance for portal to portal travel, it is recommended that the court reimburse the interpreter for travel time on an "address of appointment" to "address of destination" or round trip basis.

Interpreters must travel for a minimum of sixteen (16) miles, and one-half hour, to be eligible for travel time reimbursement. Exceptions to the sixteen (16) mile minimum requirement shall be made when the use of a ferry contributes to the one half hour or more of travel time.

Travel time will be reimbursed at a rate of one half the hourly interpreter rate for each hour of travel. Example: Interpreter traveled four hours to an appointment and the hourly rate is \$50. One half of the hourly rate is \$25. The calculation would be  $4 \times \$25 = \$100$  for travel time.

Distance	Reimbursable
Origin  Appointment 0 -15 Miles	Mileage Only
Origin  Appointment 16+ Miles	Mileage or Travel* (but not both)

\*Travel can be claimed only when traveling time is ½ hour (30 minutes) or more.

Interpreter travel time related to an appointment is billable if a required party fails to appear. If the interpreter fails to appear, he/she will not be paid for travel. "Failure to appear" means a non-appearance by the limited English proficiency, deaf or hard of hearing client, attorneys, witnesses or any necessary party to a hearing, thereby necessitating a cancellation or continuance of the hearing. Travel time related to appointments that have been cancelled where the interpreter has received prior notice of the cancellation is not billable.



**Interpreter Program Strategic Priorities**  
**Court Interpreter Commission and AOC Court Interpreter Program**  
Administrative Office of the Courts  
State of Washington  
August 20, 2007

**I. Background**

The Washington State Court Interpreter Commission held a two-day strategic planning retreat on July 6-7, 2007 to:

- identify and examine the implications for Washington courts and interpreter services of key social, political/policy, economic, and technology trends shaping Washington State and the region;
- articulate a set of important values to guide court interpreter service delivery in municipal, district, superior, and appellate courts throughout Washington State; and
- identify and establish strategic priorities for providing effective interpreter and language service between now and 2010.

The **strategic priorities summary** provided by this document will show that an interplay of (1) fundamental values – such as values regarding equal access to justice in the courts for all litigant regardless of their language; timeliness of service delivery; and being treated with respect by impartial, well-trained language professionals – and (2) long-term trends-based demand for services, should guide local and state-wide efforts across Washington State to increase the capacity of the courts to:

- forecast language assistance and interpreter demand and anticipate the workload and operational implications of that demand;
- assess interpreter service delivery adequacy; and
- develop and sustain improved service delivery networks.

Finally, **four strategic priority projects** for increasing service capacity over the next two years were identified by the Commission. These strategic priorities are to:

- establish two or three interpreter service initial implementation sites that can develop jurisdiction-wide service delivery approaches that incorporate interpreter service best practices, using recently allocated funds from the state legislature;
- establish exemplary interpreter need assessment and performance data collection, analysis, and reporting mechanisms that can be used across the state;
- establish state, regional, and local interpreter service delivery networks; and

- implement an interpreter and language services career and workforce development program that builds long-term service capacity throughout Washington State.

## **II. Trends Implications Summary**

Ongoing political instability and war in many parts of the world, along with economic globalization and restructuring, expanding state and local economies accompanied by domestic labor shortages, and societal disagreement about appropriate immigration policies and practices, are but a few of the many trends shaping the demand for interpreter and other language services in the Washington State Courts.

For example, major sectors of the Washington State economy – including the agriculture, construction, transportation, technology, and the hotel/restaurant sectors – heavily rely on workers with origins outside the United States and often workers with limited English language abilities. Moreover, the diversity of the limited English language population in communities across Washington State has increased greatly over the past few decades. Now the need for services encompasses not only sizeable numbers of people needing assistance in languages such as Spanish and Russian – where interpreters and language providers are more readily available – but also explosive demand for more “exotic” language services for indigenous people from Mexico and other parts of Latin America, as well as people from Somalia, Sub-Sahara Africa, the Middle East, Korea, South-East Asia, and various Pacific Islands and Micronesia (to list but a few of many). In addition, an increased need to understand the complicated interplay of culture and language has grown along with the expansion of the demand for language services. Finally, even as the magnitude and complexity of demand for interpreter and language services within the courts and justice system increase, societal and political support for adequately providing these services has faltered, as problem-solving for addressing a fundamental court need has become muddled with broader debate about immigration, trade, and international policy and its consequences.

Collectively, these trends have resulted in the need to:

- expand interpreter availability in many jurisdictions across Washington State;
- improve capacity to more quickly establish services for new groups and new languages;
- implement more flexible approaches for interpreter competency training and certification;
- establish differentiated language service specialization, such as interpretation, translation, and limited language assistance;
- accurately and expeditiously forecast demographic changes and consequences;
- expand language services outside the court-room;

- help litigants navigate the court system;
- enhance the language assistance provided to individuals in other parts of the justice system, especially prior to court sessions;
- increase cultural competency among court personnel; and
- anticipate the potential language service consequences of changes in immigration and other policies.

In short, **three strategic challenges** face the Washington State Courts as a result of these trends. The challenges are to increase capacity in courts at all levels across Washington State to:

- accurately anticipate, forecast, and monitor the magnitude and complexity of the demand for interpreter and language services;
- efficiently assess the adequacy of service delivery and identify ways to make needed improvements; and
- develop and sustain interpreter and language services as essential and respected components of justice in Washington State.

### **III. Essential Values**

The following values were identified as being important to incorporate into all aspects of language and interpreter services in the Washington courts:

- **Equal Access** – provide opportunities for language assistance so litigants can fully participate in the court process.
- **Fairness** – eliminate language-based advantages and disadvantages in the court setting.
- **Effective Communication and Understanding** – assure that language assistance leads to common understanding about what is happening in court among all participants.
- **Due Process** – assure consistent processes for all litigants regardless of their language.
- **Timeliness** – eliminate delays in case processing attributable to language assistance needs.
- **Professionalism** – employ skilled, well-trained, neutral language assistance staff who are respectful to those who come before the court.
- **Collaboration** – share a common purpose and vision among all court actors, and respect the important role interpreters play in the delivery of justice.
- **Integrity** – promote trust and confidence in the courts and justice system.

## **IV. Strategic Priorities**

### **A. Immediate Priorities**

Strategic priorities are the net result of the interplay of trends, service expectations and needs, and values. Strategic priorities typically focus on general direction rather than on specific operations. They encompass the policies, programs, and actions needed to move towards a more favorable future. Following are the four strategic priorities the Commission has established for the next two years.

#### ***1. Establish Interpreter Service Improvement Initial Implementation Sites***

The Commission believes that the best use of recently allocated state funding for interpreters would be to establish a few interpreter and language service exemplary initial implementation sites that eventually could be used as models for service provision across Washington State. In particular, the purpose of the initial sites is to:

- provide additional funds for services, but also determine how to use funds more effectively and efficiently by serving as a laboratory for innovation and best practices;
- create service models that are applicable in jurisdictions across the state;
- create widespread awareness about best practices and how they can be supported in a range of court settings; and
- document how to innovate successfully in the court setting.

In addition, the key features of the initial sites should include:

- efforts to collaborate across municipal, district, and superior courts within a county or region;
- careful selection of initial implementation sites to assure enthusiastic leadership and community support;
- widespread, broad-based community involvement and willingness to expand service provision networks to include groups from throughout the community;
- systematic assessment of gaps in service provision;
- implementation of data collection, analysis, and reporting mechanisms; and
- development of predictable, consistent scheduling and payment policies and practices.

Finally, the Commission and AOC Interpreter Program ongoing role in the initial sites should include:

- identifying and addressing the policy issues that accompany implementing the legislation and establishing the initial sites;
- educating the courts and court stakeholders about the role and mechanics of the initial sites and how the initial sites align with a long-term vision for improving interpreter and language services across Washington State;
- assisting initial sites to design and implement innovations;
- identifying best practices;
- assisting with the preparation of legislation for increased state funding in light of initial site results;
- implementing selection procedures for initial sites; and
- developing and monitoring work-plans for establishing the initial sites.

## ***2. Establish Data Collection, Analysis, and Reporting***

Lack of consistent and accurate data about (1) interpreter and language service demand and its sources, (2) who is and is not being served, (3) the costs and consequences of services, and (4) the impact of implementing best practices, were collectively identified as a significant impediment – likely the single most formidable impediment – to improving Washington court interpreter services today. As one consequence, the Commission identified the need to improve and increase data collection, analysis, and reporting about interpreter and language services as an essential component to include not only in the initial implementation sites but also as an immediate priority of the AOC. Key features in a strategy to enhance data collection, analysis, and reporting should include establishing:

- forecasting models to better anticipate demand for services;
- automated local and statewide data collection, analysis, and reporting mechanisms targeting interpreter use and costs;
- automated scheduling systems which are capable of being regional in scope and are able to encompass all levels of courts;
- standard measures of cost, time, and other measures of input, output, and outcome;
- caseload and workload assessment tools; and
- measures of performance and user satisfaction with service provision.



### ***3. Develop Language and Interpreter Service Resource Networks***

Developing language and interpreter service resource networks is viewed as a key component in both the immediate implementation of the initial sites and the long-term expansion and improvement of service provision across Washington State. Components in these networks should include:

- courts serving as the hub in the network and thus being responsible for sustaining the network by performing tasks such as coordinating participation by justice and community partners, obtaining resources to manage the network, coordinating problem-solving as well as training and mentoring, and providing scheduling systems and other key infrastructure;
- maintaining and facilitating policy forums;
- establishing and maintaining inventories of interpreter and language specialists' skills;
- developing and maintaining tools, including transcription and translation tools, forms, and business tools such as model invoices and standardized payment procedures; and
- documenting and promulgating best practices.

### ***4. Implement Career and Workforce Development Programs***

Ultimately, the success of language services depends greatly on the availability of a well-trained interpreter and language assistance workforce of sufficient numbers for numerous languages. Past experience across Washington State has shown that without substantial policy and organizational effort, the presence of this workforce will not emerge on its own. Components in a strategy for shaping the needed workforce identified at the Commission session include:

- creating interpreter and language service approaches that can accommodate a variety of staffing patterns including use of full-time and part-time court staff, sharing of personnel with other justice and human service agencies, contract workers, contracts with private agency providers, cross-court agreements within a jurisdiction, regional labor pools and, of course, freelance interpreters;
- creating certification and certification training programs that move beyond current approaches, which are largely written language proficiency based;
- establishing training programs that support interpreter and language specialists' knowledge and skill needs in addition to language specific skills, such as understanding about how the courts work, business practices, and time management;
- establishing comprehensive mentoring programs;
- implementing consistent and predictable payment scales;
- improving scheduling practices to minimize interpreter down time;

- working with educational institutions to establish career paths and training programs;
- establishing links to non-English language communities;
- increasing the use of technology-based tools;
- better integrating interpreters and language specialists into the culture of the courts; and
- increasing the status and appreciation of interpreters and language service providers within the court and justice communities.

### **B. 3-5 Year Priorities**

**Four other long-term priorities** were identified by the Commission, in addition to the immediate priorities discussed above. These four priorities are to:

- develop and implement appropriate information, telecommunications, and computer-based technologies to support all aspects of court interpreter and language services, including case scheduling and calendaring, service provider payment, workload forecasting, and service provider and system performance monitoring;
- increase state funding and refine methods for distributing state funding and monitoring its use as a tool to leverage continuous innovation in language services, as well as meet immediate needs;
- refine the governance of interpreter and language services across Washington State, including clarifying the roles of the Commission, the AOC, and other state and local administrative and policy making bodies; and
- educate the court and justice communities, state and local policy makers, and society at large about the essential role language and interpreter services play in delivering justice.

### **V. Institutional Development**

The Interpreter Commission planning session also included brief discussion of the appropriate ongoing roles of both the Commission and the Administrative Office of the Courts Interpreter Program in light of increasing demands of the courts and increased state funding. Supporting courts across the state in efforts to increase their service capacity was identified as being the desired focus of both institutions generally. This includes:

- developing and implementing a comprehensive statewide program that addresses all three of the strategic challenges – anticipating demand, and assessing and increasing capacity – for interpreter and language services;
- generating legislative support for sufficient interpreter service funding;
- defining appropriate service standards;
- establishing uniform mechanisms for assuring service quality;
- establishing systems for forecasting demand and monitoring performance;

- developing ways to distribute state funds to support both long-term as well as immediate needs and goals;
- increasing awareness and support for the essential importance of language services in the provision of justice in society;
- overseeing continuing education efforts; and
- coordinating language services policy development.

# Interpreter Program Strategic Priorities

## Priority Implementation Projects

### September 2007

#### Priority Project 1—2007-2009

#### Establish Interpreter Service Initial Implementation Sites

<u>Project Purposes</u>	<u>Implementation Activities</u>	<u>Staff Start/End Dates</u>
1. Establish successful demonstration sites to support continued and increased state funding of trial court interpreter services.	1. Distribute LEP Plan and LAP template to trial courts.	Katrin Johnson
2. Establish effective laboratory / demonstration sites for innovation and implementation of best practices in provision of interpreter services.	2. Distribute Interpreter Services Funding Application to trial courts.	Karina Pugachenok
3. Create service models that can be replicated in jurisdictions around the state.	3. Assist local jurisdictions – including clusters of courts – to complete LAP's.	Tina Williamson
4. Generate widespread awareness of interpreter service best practices and how they can be implemented in a range of court settings.	4. Assist applicant jurisdictions – including clusters of courts – to complete and submit funding applications.	Brian Backus
5. Document how to innovate successfully in a range of court settings.	5. Finalize and prepare trial court interpreter survey data for analysis and use in making interpreter funding decisions.	July 1, 2007 to June 30, 2009
6. Cultivate models for collaborative effort across multiple courts within a county or region.	6. Create summary memo of interpreter survey results and distribute to trial courts statewide.	
7. Expand service provision networks to include groups throughout the community.	7. Create AOC process for reviewing / approving LAP's.	
8. Identify and address gaps in service provision.	8. Create AOC process for reviewing interpreter funding applications.	
9. Develop predictable, consistent scheduling and payment policies and practices.	9. Apply for a State Justice Institute (SJI) Technical Assistance grant to help establish and implement initial implementation sites and help build AOC infrastructure / capacity.	
10. Implement data collection, analysis, and reporting mechanisms.	10. Create an evaluation plan for initial implementation sites and identify what data will be collected via the interpreter invoicing / payment process.	
	11. Create uniform interpreter invoice, invoicing and payment process for initial implementation sites, including process for reimbursing implementation sites.	
	12. Create an interpreter database to be populated by interpreter invoice data, and identify what reports will be generated from the database.	
	13. Create regular reporting process for implementation sites.	
	14. Approve funding applicant LAP's.	
	15. Select initial implementation sites.	
	16. Identify and address the policy issues raised by establishment of the initial implementation sites.	
	17. Identify and involve stakeholder groups in local communities to support implementing the initial sites and expanding local resources.	
	18. Determine how to assess gaps in interpreter service provision.	

**Priority Project 1—2007-2009****Establish Interpreter Service Initial Implementation Sites**

<u>Project Purposes</u>	<u>Implementation Activities</u>	<u>Staff Start/End Dates</u>
1. Establish successful demonstration sites to support continued and increased state funding of trial court interpreter services.	19. Develop application process for LAP implementation funds.	Katrin Johnson
2. Establish effective laboratory / demonstration sites for innovation and implementation of best practices in provision of interpreter services.	20. Develop AOC review process for LAP funding applications and distribute LAP funds.	Karina Pugachenok
3. Create service models that can be replicated in jurisdictions around the state.	21. Develop reporting / monitoring process for LAP funding recipients.	Tina Williamson
4. Generate widespread awareness of interpreter service best practices and how they can be implemented in a range of court settings.	22. Implement state-level LAP enhancements (forms translation, signage, etc.).	Brian Backus
5. Document how to innovate successfully in a range of court settings.	23. Develop and monitor work plans and timelines for establishing and operating the initial implementation sites.	July 1, 2007 to June 30, 2009
6. Cultivate models for collaborative effort across multiple courts within a county or region.	24. Educate courts and court stakeholders about the role, purpose and mechanics of the initial implementation sites and their relation to the long-range plan for solidifying and increasing state funding of interpreter services.	
7. Expand service provision networks to include groups throughout the community.	25. Assist initial implementation sites to identify, design and implement innovations and best practices in interpreter service provision.	
8. Identify and address gaps in service provision.	26. Assist in preparing legislation and legislative presentations to support increased state funding in light of the initial implementation site results.	
9. Develop predictable, consistent scheduling and payment policies and practices.	27. Review / assess / refine AOC interpreter certification / registration testing policies and procedures to support certification and registration of greater numbers of interpreters, especially in needed languages in implementation site localities.	
10. Implement data collection, analysis, and reporting mechanisms.	28. Identify strategies to optimize partnerships and collaboration between AOC, the Interpreter Commission and implementation sites to enhance the effectiveness of the initial implementation.	
	29. Develop and implement application process for FY09 interpreter services funds.	
	30. Select additional funding implementation sites for FY09.	
	31. Initial implementation sites report to AOC the amount spent on interpreter services in FY08 and FY09.	

**Priority Project 2—2007-2009**  
**Establish Data Collection, Analysis, and Reporting**

<u>Project Purposes</u>	<u>Implementation Activities</u>	<u>Staff</u> <u>Start/End Dates</u>
<ol style="list-style-type: none"> <li>1. Develop consistent and accurate statewide data regarding interpreter demand, interpreter availability / skill levels, and interpreter usage and costs.</li> <li>2. Develop means to measure and assess the impact of state funding and best practices implementation.</li> <li>3. Develop reliable and consistent performance measures for interpreter service provision and user satisfaction.</li> <li>4. Develop accurate and reliable models for forecasting demand for interpreter services.</li> </ol>	<ol style="list-style-type: none"> <li>1. Collect and analyze interpreter cost data for fiscal years 2005, 2006, 2007 and 2008 for interpreter funding applicants.</li> <li>2. Collect and analyze additional (optional) detailed interpreter cost data for fiscal years 2005, 2006, and 2007.</li> <li>3. Establish reliable data collection, analysis and reporting process for initial implementation sites for interpreter services funding. (See Priority Project 1.)</li> <li>4. Identify and pursue possible ways of capturing consistent interpreter data through the new statewide Case Management System (CMS), and determine what data can reliably and consistently be captured via the CMS.</li> <li>5. Lay the groundwork for collection of uniform statewide interpreter cost and usage data by all trial courts, including, e.g.:               <ol style="list-style-type: none"> <li>1. Language</li> <li>2. Interpreter Identification Number</li> <li>3. Case File No.</li> <li>4. Payment Rate</li> <li>5. Time (In and Out)</li> <li>6. Telephone Interpreting Time</li> <li>7. Travel / Mileage</li> <li>8. Whether Reimbursed with State Funds</li> <li>9. Hearing Type</li> <li>10. Participant Type</li> </ol> </li> <li>6. Create automated scheduling systems that can be utilized regionally and by all levels of court.</li> <li>7. Develop standard measures of cost, time and other measures of input, output and outcome.</li> <li>8. Develop caseload and workload assessment tools.</li> <li>9. Assessment device created by AOC Research Department.</li> <li>10. U.S. Census, OPI, and Cost Data/Usage to monitor interpreter needs.</li> </ol>	<p>Katrin Johnson</p> <p>Karina Pugachenok</p> <p>Brian Backus</p> <p>AOC Research Section</p> <p>July 1, 2007 to June 30, 2009</p>

**Priority Project 3—2007-2009****Develop Language and Interpreter Service Resource Networks**

<u>Project Purposes</u>	<u>Implementation Activities</u>	<u>Staff Start/End Dates</u>
1. Build statewide infrastructure to support enhanced interpreter service provision	1. Create translation standards and translator skill qualifications for translating AOC pattern forms.	Katrin Johnson
2. Significantly expand interpreter service resources statewide.	2. Translate AOC pattern forms for use by trial courts, with language priority determined by demographic needs statewide.	Tina Williamson
3. Establish courts as the hub of an effective and multi-partner statewide interpreter resource network.	3. Post local trial courts' bilingual forms on AOC's Web site for use by other trial courts.	July 1, 2007 to June 30, 2009
	4. Post the statewide Limited English Proficiency (LEP) plan on AOC's Web site.	
	5. Post local trial court LAP plans on AOC's Web site.	
	6. Post local trial court interpreter policies on AOC's Web site.	
	7. Establish and maintain interpreter inventories – including certified, registered, and other categories.	
	8. Create standardized payment policies and procedures and post on AOC's Web site.	
	9. Create a mentoring program for newly credentialed interpreters.	
	10. Create additional partnerships with private and public entities to provide continuing educational training for credentialed interpreters, judges, court managers, and staff as well as law enforcement.	
	11. Identify actual and potential interpreter program stakeholder agencies and groups, justice and community partners, etc. and do outreach to enlist their participation in the interpreter resource network.	
	12. Develop plan and framework for courts to be responsible for sustaining the network – coordinating participation by justice and community partners, training, mentoring, and providing scheduling systems.	
	13. Develop plan and schedule for interpreter policy forums.	
	14. Document and promulgate interpreter service best practices.	

**Priority Project 4—2007-2009**  
**Implement Career and Workforce Development Programs**

<u>Project Purposes</u>	<u>Implementation Activities</u>	<u>Staff Start/End Dates</u>
<ol style="list-style-type: none"> <li>1. Develop a well-trained, qualified interpreter and language assistance workforce of sufficient numbers and in needed languages.</li> <li>2. Develop a reliable means to forecast interpreter demand and a reliable process to cultivate an interpreter workforce to meet that demand.</li> </ol>	<ol style="list-style-type: none"> <li>1. Identify and implement interpreter and language service approaches that can accommodate a variety of staffing patterns, including:               <ol style="list-style-type: none"> <li>a. Use of FT and PT court staff;</li> <li>b. Sharing of personnel with other justice and human service agencies;</li> <li>c. Contract interpreters;</li> <li>d. Contracts with private agency providers;</li> <li>e. Cross-court agreements within a jurisdiction;</li> <li>f. Regional labor pools.</li> </ol> </li> <li>2. Identify improvements to interpreter scheduling practices to minimize interpreter down time. Work with trial courts to develop best practices for utilization of court interpreters' time.</li> <li>3. Develop and implement consistent and predictable interpreter invoice and payment policies, practices and processes.</li> <li>4. Increase the use of technology based tools. AOC will establish data collection, billing, invoicing via the JIS, CMS, or other electronic means.</li> <li>5. Explore and develop ways to better integrate interpreter and language specialists into the culture of the courts.</li> <li>6. Increase the status and appreciation of interpreters and language service providers within the court and justice communities. AOC's Interpreter Program will provide training at judicial, court administrators and court clerks' educational conferences.</li> <li>7. Work with educational institutions to establish interpreter career paths and training programs. E.g. – work with high schools and community colleges to develop court interpreter training programs.</li> <li>8. Develop and implement a plan for outreach and linking to non-English language communities.</li> <li>9. Develop and implement a plan to partner with WITS, ATA, NAJIT and WASCLA to increase the awareness of the need for interpreters as well as the value of being a credentialed court interpreter.</li> <li>10. Develop and implement a plan to increase the use of technology-based tools – e.g. for interpreter scheduling, invoicing / payment, etc.</li> <li>11. Develop and implement a plan to better integrate interpreters and language specialists into the culture of the courts.</li> </ol>	<p>Katrin Johnson</p> <p>Tina Williamson</p> <p>July 1, 2007 to June 30, 2009</p>



**Priority Project 4—2007-2009****Implement Career and Workforce Development Programs**

<u>Project Purposes</u>	<u>Implementation Activities</u>	<u>Staff Start/End Dates</u>
<ol style="list-style-type: none"><li>1. Develop a well-trained, qualified interpreter and language assistance workforce of sufficient numbers and in needed languages.</li><li>2. Develop a reliable means to forecast interpreter demand and a reliable process to cultivate an interpreter workforce to meet that demand.</li></ol>	<ol style="list-style-type: none"><li>12. Work to increase the status, recognition and appreciation of interpreters and language service providers within the court and justice communities.</li><li>13. Explore and develop interpreter certification, registration and certification / registration training programs that move beyond current approaches that are largely written-language-proficiency based.</li><li>14. Develop and implement training programs that support interpreter and language specialists' knowledge and skills in addition to language-specific skills – e.g.:<ol style="list-style-type: none"><li>a. How courts work;</li><li>b. Business practices and time management.</li></ol></li><li>15. Coordinate with public and private vendors who already provide this type of training. Enhance existing training programs such as the AOC Introduction to Interpreting class and the Written Exam Orientation.</li><li>16. Develop and implement comprehensive interpreter mentoring programs. E.g. – assign a "senior" interpreter to a new credentialed interpreter.</li><li>17. Review / assess / refine AOC interpreter certification / registration testing policies and procedures to support certification and registration of greater numbers of interpreters, especially in needed languages in implementation site localities.</li><li>18. See Priority Project 2 for implementation activities to develop accurate and reliable models for forecasting demand for interpreter services.</li></ol>	<p>Katrin Johnson</p> <p>Tina Williamson</p> <p>July 1, 2007 to June 30, 2009</p>



# Bench Card

## Courtroom Interpreting

### How do I determine whether a person needs an interpreter?

Presume a need for an interpreter when an attorney or litigant indicates a party or a witness requests one. If an interpreter is not requested, but it appears a party/witness has limited English proficiency, a judge should ask questions on the record to assess the need for an interpreter.

### Sample questions for determining the English proficiency of a person and the need for an interpreter:

(Avoid questions easily answered with yes or no replies.)

1. How did you come to court today?
2. How did you learn English, and what is most difficult about communicating in English?
3. Please tell me about your country.
4. Tell me more about your country.
5. Describe what you see in this courtroom.
6. What is the purpose of your court hearing today?
7. **You have the right to a court-appointed interpreter. Tell the court the best way to communicate with you and to let you know what is being said.**

*If the person has difficulty answering these simple questions, an interpreter is recommended. Presumably, a person unable to answer these questions is unable to communicate well in high-stress matters involving legal terminology.*

Also, if the court cannot understand the person's spoken English, consider using an interpreter. Request that the person speak in their native language, so that the interpreter can interpret into English.

For trials and other long proceedings, court administration should hire a team of two interpreters, who will alternate interpreting approximately every 20 minutes.

### When is the court required by law to provide and pay for an interpreter?

**Criminal Cases, Traffic Infractions, Commitments & all proceedings initiated by Government Agencies or in which the non-English speaking person is a party or is compelled to appear:** Interpreter costs are paid by the governmental body initiating the proceedings (RCW 2.43.030; 2.43.040).

**All Other Legal Proceedings:** Interpreter costs are borne by the non-English-speaking person unless determined to be indigent; in those cases, interpreter costs are administrative costs of the governmental body under the authority of which the legal proceeding is conducted (RCW 2.43.030; 2.43.040).

**Deaf Persons:** When a hearing-impaired person is a party or witness at any stage of a judicial or quasi-judicial proceeding. The appointing authority must appoint and pay for the interpreter (RCW 2.42.120).

**\*\*See RCW 2.42.120 for enumeration of the other circumstances in which the appointing authority must appoint and pay for an ASL interpreter.\*\***

### Preference for Certified and Registered Language Interpreters

#### Foreign Language

- (1) Court must appoint a certified or registered interpreter unless "good cause" is found and noted on the record: "good cause" = (a) certified or registered interpreter is not reasonably available or (b) the list of certified or registered interpreters does not include an interpreter in the needed language.
- (2) Otherwise, the court must appoint an interpreter who is qualified on the record (RCW 2.43.030).

#### Sign Language

- (1) Court must request a qualified interpreter through DSHS-ODHH or through a community center for hearing impaired persons.
- (2) Court must make a preliminary determination that the interpreter can interpret accurately (RCW 2.42.130).

According to the **Rules of Evidence**, an interpreter should be **qualified as an expert**, and administered an **oath**. WA R. Evid. 604; see also RCW 2.42.050; 2.43.050 (requiring oath).

### Sample Qualification Questions

1. What credentials do you have as an interpreter?
2. Are you certified? If you are not certified, are you registered?
3. What is your native language? How did you learn \_\_\_\_\_?
4. Is your dialect compatible with Mr./Ms. \_\_\_\_\_?
5. Are there any cultural or community concerns between you and Mr./Ms. \_\_\_\_\_ that the court should be aware of?
6. What is your experience interpreting in court?
7. Have you ever interpreted for any of the people involved in this case?
8. Are you able to remain fair and impartial?
9. To the parties. Does either party have any questions for the interpreter?

### Interpreter Oath

**Spoken Language:** Do you swear (affirm) that you will make a true interpretation to the person being examined of all the proceedings in the \_\_\_\_\_ language, and that you will repeat the statements of the person being examined to this court in the English language, to the best of your skill and judgment?

**Deaf / Hearing Impaired:** Do you swear (affirm) that you will make a true interpretation to the person being examined of all the proceedings in a manner which the person understands, and that you will repeat the statements of the person being examined to this court, to the best of your skill and judgment?

To assure that all participants understand the role of the interpreter, consider reading the following language at the start of a court proceeding:

### Clarification Language of an Interpreters Role

The interpreter can only interpret for one person at a time, so please do not speak or interrupt while someone is testifying or speaking. The interpreter can only interpret testimony that is spoken, so all responses must be verbal. You are reminded to speak at a slower but steady pace, and make eye contact occasionally with the interpreter to gauge whether your pace is appropriate. A slower pace is especially important when stating dates, numbers, figures or highly technical vocabulary.

As for the interpreter(s), you are bound by the Code of Conduct for Court Interpreters, and you are expected to follow its provisions. You must interpret everything that is said in this courtroom, including this information. You are not allowed to engage in any conversation with the person(s) you are interpreting for. You are not allowed to give any legal advice, or express personal opinions about this matter. You are expected to maintain confidentiality, and not publicly discuss this case. If for some reason you need to pause the proceedings so that you can refer to a dictionary or clarify a word, please raise your hand and speak up. Are there any questions?

### Tips for Communicating Through Interpreters

1. Instruct all participants to speak loudly and clearly and to speak one at a time.
2. Allow the interpreter to converse briefly with the non-English speaker for the limited purpose of ensuring the understanding of accents, dialect or pronunciation differences.
3. Speak directly to the non-English speaking person. Do not ask the interpreter to independently explain/restate anything said by the party.
4. The interpreter must convey all questions, answers and courtroom dialogue, and therefore, is constantly working. Advise the interpreter to notify the court when breaks are needed.
5. Allow the interpreter to review the court file prior to the hearing, to become familiar with names, dates, and technical vocabulary.
6. Monitor the interpreter so that side conversations are not held with the non-English speaking person.
7. Recognize that court proceedings can be confusing and intimidating for a non-English speaker since other countries' legal systems and concepts often vary from those of the U.S.
8. Pause (give time for the interpreter to catch up).

For additional assistance, please contact:

*(Insert county-specific contact information here using a mailing label.)*

Administrative Office of the Courts  
Court Interpreter Program  
PO Box 41170  
Olympia, WA 98504-1170  
(360) 753-3365  
[www.courts.wa.gov](http://www.courts.wa.gov)





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June 18, 2008

TO: Chief Justice Gerry L. Alexander  
Chair, Board for Judicial Administration

Judge Vickie I. Churchill  
Member Chair, Board for Judicial Administration

FROM: Judge Marilyn Paja  
President, District and Municipal Court Judges' Association

RE: PROPOSED AMENDMENT OF GR 29(K) JUDICIAL  
SERVICES CONTRACTS

The District and Municipal Court Judges' Association (DMCJA) established an ad hoc committee to explore and develop a recommendation to address conflicts between contracts for judicial services and the requirements of General Rule 29 for presiding judges and judicial independence. Personal services contracts are frequently offered to part-time municipal court judges as a basis for their employment. These contracts often include provisions that define and limit the power and authority of the judge in ways that conflict with GR 29, Chapter 3.50 and Chapter 44.49.160 RCW. They often characterize the employment of the judicial officer as an independent contractor and divest the judge of court management authority.

The Ethics Advisory Committee's Ethics Opinion 99-9 addressing the propriety of judges entering into judicial services contracts cautioned about contract provisions that "create an impropriety or appearance of impropriety concerning a judge's activities." New judges may be unknowingly lured into ethical jeopardy by the content and form of these personal services contracts.

In addition, there has been recent discussion within AOC and some courts concerning the categorization of pro tem judges as 'employees' as opposed to 'independent contractors' for purposes of taxes and benefits. If a pro tem is classified as an 'employee', certainly the judge must be also. Not all municipal governments take this position.

Based on the foregoing concerns, the DMCJA recommends to the Board for Judicial Administration (BJA) the following changes to General Rule 29(k):

Judicial Services Employment Contracts. A judicial officer may contract with a municipal or county authority for salary and benefits to serve as a judicial officer. The personal service employment contract shall not contain provisions which conflict

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Judge Vickie I. Churchill  
June 18, 2008  
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with this rule, the Code of Judicial Conduct or statutory judicial authority, or which would create an impropriety or the appearance of impropriety concerning the judge's activities. The employment contract should acknowledge the court is a part of an independent branch of government and that the judicial officer or court employees are bound to act in accordance with the provisions of the Code of Judicial Conduct and ~~this rule~~ Washington State court rules.

~~Commentary~~

~~The Board for Judicial Administration should establish  
a model judicial services contract.~~

*RCW 49.44.160*

Public employers — Intent.

The legislature intends that public employers be prohibited from misclassifying employees, or taking other action to avoid providing or continuing to provide employment-based benefits to which employees are entitled under state law or employer policies or collective bargaining agreements applicable to the employee's correct classification.

Chapter 155, Laws of 2002 does not mandate that any public employer provide benefits to actual temporary, seasonal, or part-time employees beyond the benefits to which they are entitled under state law or employer policies or collective bargaining agreements applicable to the employee's correct classification. Public employers may determine eligibility rules for their own benefit plans and may exclude categories of workers such as "temporary" or "seasonal," so long as the definitions and eligibility rules are objective and applied on a consistent basis. Objective standards, such as control over the work and the length of the employment relationship, should determine whether a person is an employee who is entitled to employee benefits, rather than the arbitrary application of labels, such as "temporary" or "contractor." Common law standards should be used to determine whether a person is performing services as an employee, as a contractor, or as part of an agency relationship.

Chapter 155, Laws of 2002 does not modify any statute or policy regarding the employment of: Public employee retirees who are hired for postretirement employment as provided for in chapter 41.26, 41.32, 41.35, or 41.40 RCW or who work as contractors; or enrolled students who receive employment as student employees or as part of their education or financial aid.

The DMCJA sincerely thanks the BJA for its consideration of this proposal to amend General Rule 29.



## Washington's Courthouse Facilitator Programs for Self-Represented Litigants in Family Law Cases: Summary Report

### BACKGROUND

Washington's courthouse facilitators have been providing services to large numbers of self-represented litigants in family law cases since 1993. Initially operating in seven counties, programs currently operate in 35 of Washington's 39 counties. Through these programs facilitators provide a variety of services to help litigants with paperwork and procedures in order to improve access to justice, the quality of justice, and court efficiency.

Washington's courthouse facilitator programs, however, have not been systematically examined since the initial months of operation nearly fifteen years ago. Therefore, this study was designed to address a number of questions:

- What are the characteristics of programs currently in operation?
- How many customers use facilitator services statewide?
- What are the characteristics of customers, what services do they receive, and are they satisfied with services?
- What impact do facilitator programs have on court operations and self-represented litigants' court experiences?

### RESEARCH METHODS

This study used multiple research methods to collect information from approximately 1,000 individuals across the state during 2007. Individuals included courthouse facilitators, program administrators, family law judicial officers, program customers, and other family law litigants. The specific methods included:

- Surveys of facilitators regarding general program information and the number of customers served
- Customer questionnaires distributed before and after every facilitator meeting held in four counties (Kitsap, Lewis, Thurston, and Yakima) during a 30-day period
- A 53-item Court Experiences Survey mailed to 2,163 family law litigants across the state

- An open-ended survey of all family law judicial officers and courthouse facilitator program administrators
- Analysis of case processing information obtained from the Administrative Office of the Courts' Judicial Information System

### FINDINGS

#### *Program Characteristics*

As seen in Exhibit 1, facilitator programs vary considerably in size, structure, services, and fees. Thirteen programs are administered by county clerks, ten are under the direction of a superior court, nine counties contract with independent facilitators, and one county has facilitators employed by both the clerk and the court.

While all facilitator programs provide similar "basic services" as outlined under GR 27, counties differ in the ways they meet the needs of their customers. One common element is that all programs provide the opportunity for one-on-one meetings with a facilitator. About 9 out of 10 programs (91%) schedule appointments, and the majority of programs also set aside time to see customers on a walk-in basis. The maximum length of meetings, however, ranges from 20 minutes up to two hours. Approximately 30% of programs offer meetings between 20 and 30 minutes, 15% offer meetings between 40 and 45 minutes, and 45% offer one-hour appointments or longer. In an effort to meet the demand given limited resources, many programs have developed classes and workshops for common case types, such as divorce orientation classes, to help customers get started with the court process.

To fund the programs, counties typically collect the \$20 courthouse facilitator filing fee surcharge on domestic case filings (the maximum allowed by law). Most programs also charge a user fee that ranges from \$0 - \$80 per hour for in-person visits (although many programs waive or adjust fees). Most programs also sell forms and/or instructional materials ranging from 15 cents per-page up to \$70 for detailed instructional books. Many counties rely on the filing fee surcharge, user fees, and the sale of forms and booklets to generate most, if not all, of the revenue to sustain their program.



# Exhibit 1. Facilitator Program General Characteristics

County	Program Administrator	CFs	Hrs/Week	Modes of Service*	Max Meeting Length	User Fees**	Required Services
Asotin/Col./Garfield	Contracted Services	1	23.5	Appt, WI, Impr, Tel, Groups	60	0	No
Benion	County Clerk	1	41	Appt, Impr, Tel	60	\$40/case	Visit prior to motions/entry of orders
Chelan	County Clerk	1	25	Appt, WI, Impr, WC	30	\$20/visit	No
Clallam	Contracted services	1	27	WI	90	0	No
Clark	County Clerk	2	40	Appt, WI	20	\$20/visit	No
Cowlitz	County Clerk	1	37.5	Appt, WI, Impr, Tel, WC	30	\$20/visit	Visit prior to final orders
Douglas	Contracted services	1	15	Appt, WI, Impr, Tel	60	0	No
Ferry	Contracted services	1	4	Appt, Tel	60	0	No
Franklin	Contracted services	1	4	Appt	60	\$25/visit (\$15 add visits)	Review of docs prior to entry
Grant	County Clerk	1	40	Appt, WI, Impr, Tel, WC	60	0	No
Grays Harbor	County Clerk	1	20	Appt, Impr, Tel	30	\$20/visit (if diff. county)	--
Island	Contracted services	1	24	Appt, Tel, WC, Groups	60	\$20/visit	Review parenting plans, Child Support worksheet, orders
Jefferson	County Clerk	1	8	Appt, WI, Tel	60	\$20/visit	Visit prior to final orders
King	Superior Court	4	140	Appt (interpreters), WI, Tel, WC	60	0	No
Kitsap	County Clerk	2	60	Appt, WI, Impr, WC	40	\$25 Appt, \$20 WI	Visit if unsuccessful at final hearing
Klickitat	County Clerk	2	1	Appt	30	\$25/visit	No
Lewis	Contracted services	1	18	Appt, WI, Impr, Tel	60	\$20-70/visit	No
Lincoln	County Clerk	2	40	WI, Impr, WC	--	0	--
Mason	Superior Court	1	20	Appt, WI	60	0	--
Okanogan	Superior Court	1	24	Appt, WI, Tel, WC	Varies	0	Visit prior to motions/final orders, parenting plan and worksheet prep, scheduling of court dates
Pacific	Contracted services	1	4	Appt	45	\$30/visit	No
Pend Oreille	Contracted services	1	4	Appt, Tel	60	\$10/visit	No
Pierce	County Clerk	2	75	Appt, Impr, Tel, WC, Groups	60	\$10/visit	No
San Juan	Superior Court	1	4	Appt, WI	60	\$20/visit	Review of docs related to children
Skagit	Superior Court	2	40	Appt, WI, Impr	30	0	Visit prior to final hearing
Skamania	Superior Court	1	Varies	Appt, WI, Impr, Tel	30	\$25/visit	No
Snohomish	County Clerk	3	120	Appt, WI	60	0	No
Spokane	Superior Court	1	37.5	WI, Impr, Tel, WC, Groups	Varies	0	No
Stevens	County Clerk	1	4	Appt	60	\$20/visit	No
Thurston	County Clerk/Superior Court	2	80	Appt, Tel, Groups	30	\$20/visit	Orientation (Dissos w/ Children), review of final paperwork
Walla Walla	Superior Court	1	20	Appt, WI, Impr, Tel, WC, Groups	120	0	Select forms, review of documents
Whatcom	Superior Court	2	80	Appt, WI, Tel, WC	40	\$10 Appt, \$5 WI	Visit prior to final hearing
Yakima	Superior Court	1	40	Appt, Tel, WC, Groups	30	\$40/visit, \$25/class	To finalize divorce

Note: No courthouse facilitator program in Adams, Kittitas, Wahkiakum, and Whitman counties.

\* Appt = in-person appointments;  
 WI = walk-in meetings;  
 Impr = impromptu meetings (e.g., immediately before a hearing);  
 Tel = telephone;  
 WC = written correspondence;  
 Groups = group meetings/ presentations

\*\* Does not include filing surcharge or fees for forms, instructional materials, or printing/copying

## Program Usage

During 2007, facilitators across the state conducted approximately 57,000 sessions with customers that lasted at least ten minutes (the typical session lasting considerably longer). Approximately 1,000 customers received services in group settings such as workshops or classes. Further, it was estimated that an additional 50,000 brief service contacts were made during the year, for an annual total of 108,000 customer contacts statewide. These estimates do not include customer contacts made for strictly administrative purposes (e.g., scheduling or reminder calls).

## Customer Demographics and Satisfaction

Customer demographics are presented in Exhibit 2. The majority of facilitator program customers were women (69%), had a monthly income less than \$2,000 per month (63%), and had, at most, a high school education (56%). Most (60%) said they were representing themselves in their family law case because they could not afford an attorney.

Exhibit 2. Demographic Characteristics

Sample Characteristics	Total (N=385)
<b>Age</b>	
< 18	1%
18 – 25	15%
26 – 35	33%
36 – 45	30%
46 – 55	15%
> 55	7%
<b>Gender</b>	
Female	69%
Male	31%
<b>Race/Ethnicity</b>	
African American	3%
Asian/Pacific Islander	5%
Hispanic/Latino	16%
Native American/Eskimo/Aleut	2%
White, non-Hispanic	73%
Other	1%
<b>Monthly Income</b>	
\$500 or less	16%
\$501 – \$1,000	15%
\$1,001 – \$1,500	18%
\$1,501 – \$2,000	15%
\$2,001 – \$3,000	12%
\$3,001 – \$4,000	13%
Over \$4,000	12%
<b>Education</b>	
8th grade or less	4%
9th – 11th grade	10%
High School/GED	42%
Some college/AA	35%
Bachelor's degree	7%
Advanced degree	3%

The vast majority of facilitator program customers were very satisfied with the services they received (see Exhibit 3). More than 90% agreed or strongly agreed that they felt more knowledgeable and prepared immediately after a visit with a facilitator, 98% said they were treated with respect, and 82% said they had more trust and confidence in the courts.

Exhibit 3. Customer Satisfaction Survey (N=328)

Survey Item	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
The meeting was helpful	82%	16%	1%	1%	0%
I know what I need to do next	77%	21%	1%	1%	0%
I am more prepared for my next court appearance	71%	20%	7%	2%	0%
I understood the information and instructions I received	77%	19%	3%	1%	0%
The facilitator treated me with respect	88%	10%	1%	0%	1%
The meeting was worth the cost	80%	14%	5%	0%	1%
I have more trust and confidence in the courts	60%	22%	15%	1%	2%
I know where to go to get legal advice	67%	24%	8%	1%	1%

## Court Experiences of Facilitator-Assisted, Unassisted, and Attorney-Represented Family Law Litigants

A total of 2,163 family law litigants were mailed a Court Experiences Survey after their case had been resolved. Of the 481 survey respondents, 216 self-represented litigants received assistance from a facilitator ("facilitator assisted"), 103 self-represented litigants did not receive any assistance from a facilitator ("unassisted"), and 162 litigants were represented by an attorney ("attorney-represented").

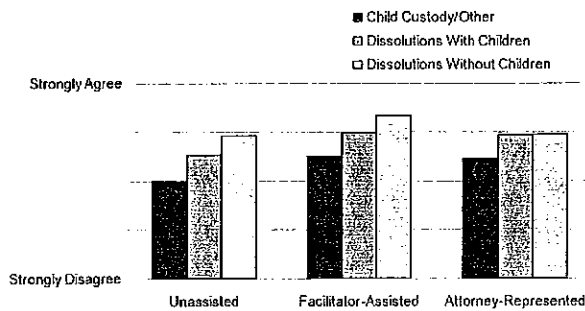
Litigants rated their court experiences on a scale ranging from "strongly agree" to "strongly disagree". Survey items assessed a broad range of court experiences including preparation for court, effectiveness presenting information, perceptions of procedural justice (e.g., being treated with respect, feeling heard by the judge), satisfaction with proceedings, outcomes, and representation, and general trust and confidence in the courts. The ratings of the three litigant groups were compared across case types (dissolutions with children, dissolutions without children, and child custody/other), controlling for a number of demographic variables (i.e., age, gender, education, income) as well as whether the other party was represented by an attorney.

Although facilitator-assisted, unassisted, and attorney-represented litigants did not differ with respect to how prepared they felt going into court, when it came to their actual court appearance, facilitator-assisted litigants reported more positive experiences than unassisted litigants. Facilitator-assisted litigants were more likely to indicate they knew what to do during their court

appearance and were able to effectively present their case. In addition, they were more likely to say that the judicial officer heard everything about their case they thought was important (see Exhibit 4). There were no differences between the ratings of facilitator-assisted litigants and attorney-represented litigants on these items.

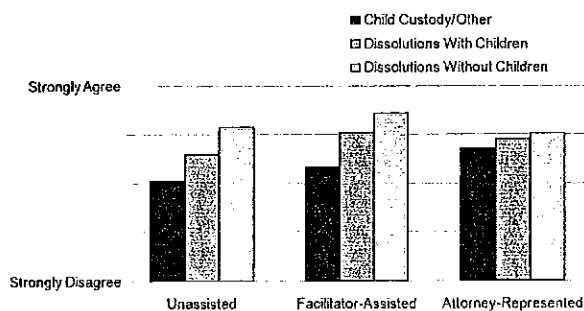
Regarding case types, self-represented litigants involved in child custody cases reported the greatest difficulties during court proceedings.

**Exhibit 4**  
Judge/Commissioner Heard Everything That Was Important



Similar findings existed on items assessing satisfaction with the court proceedings and the overall outcome of the case. Self-represented litigants who used facilitator services reported being more satisfied with both the court proceedings and the outcome than those who did not use facilitator services (see Exhibit 5). They were also more likely to think the judge's decision was fair. In addition, facilitator-assisted litigants consistently reported being as satisfied as those who were represented by attorneys.

**Exhibit 5**  
Satisfied with the Outcome of the Case

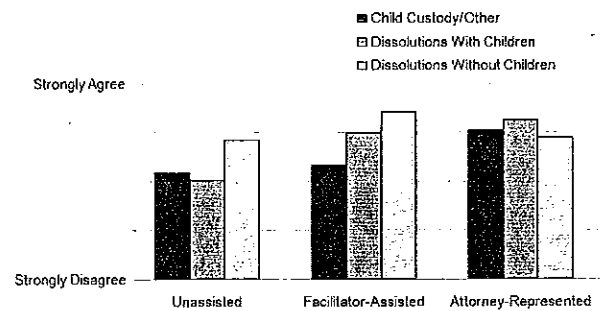


Again, significant differences existed across case types, with child custody/other litigants less satisfied and those involved in dissolutions with children, who in turn were less satisfied than those in dissolutions without children. The most satisfied individuals were facilitator-assisted litigants

involved in dissolutions without children.

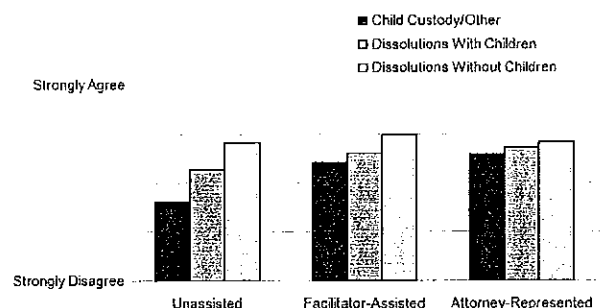
With respect to choice of representation (i.e., self or attorney), self-represented litigants (facilitator-assisted and unassisted) involved in dissolutions without children, and attorney-represented litigants in all case types, were generally satisfied with their decision about representation. Unassisted litigants in cases involving children (i.e., child custody and dissolutions with children) reported being the least satisfied with self-representation. If self-represented litigants received assistance from a facilitator, they were more likely to say they would choose the same form of representation if they had to do it over again—unless they were involved in a child custody/other type of case (see Exhibit 6).

**Exhibit 6**  
Would Choose Same Form of Representation



One item on the Court Experiences Survey asked litigants if they had trust and confidence in the courts. Again, statistically significant differences existed across case types and litigant groups. Those involved in dissolutions without children were the most likely to agree they had trust and confidence in the courts, followed by dissolutions with children, then child custody/other case types. Self-represented unassisted litigants reported the least trust and confidence, while facilitator-assisted and attorney-represented litigants reported similar levels (see Exhibit 7).

**Exhibit 7**  
Have Trust and Confidence in the Courts



## Judicial Officers' and Program Administrators' Perceptions of Program Impact

Twenty judicial officers and 16 program administrators (representing 26 different programs) responded to an open-ended survey that asked, in part, about their program's impact on litigants, proceedings, case processing, and access to justice, as well as current challenges facing the program.

Thirty-five of the 36 respondents (97%) indicated that their courthouse facilitator program was having a significant positive impact on litigants and was improving access to justice. The three common themes were: (1) facilitator programs open the doors of the courts to a greater number of litigants, especially those with limited financial resources, (2) facilitators reduce litigants' distress, and (3) facilitators help litigants navigate the system. In addition, judicial officers and program administrators were unanimous in their belief that their courthouse facilitator program had a positive impact on case processing and courtroom proceedings by increasing efficiency and improving the quality of the proceedings.

Regarding current challenges facing courthouse facilitator programs, the most common issues mentioned were (in order of frequency) funding, legal advice and legal aid, and training. Approximately two-thirds of respondents mentioned that current resources were insufficient to adequately meet the demand for services. Nearly one-third of respondents mentioned the difficulty facilitators face in distinguishing between legal information and legal advice, and the difficulty litigants face in trying to obtain free legal advice when it is needed. Approximately one-quarter of respondents said initial and ongoing training continued to be a challenge.

### Impact on Case Processing

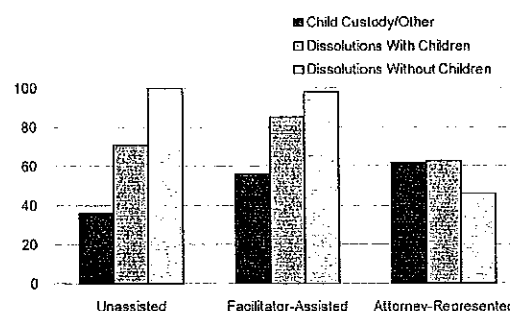
Information from the Judicial Information System was also used to examine whether facilitator programs improved court efficiency. One measure of court efficiency is the length of time from filing to resolution. Analyses were conducted on the percentage of cases resolved within 10 months of the date of filing. The 10-month period was chosen based on case management time standards for domestic cases.

Because case time is affected by the representation of both parties, combinations of the parties' representation were determined based on the responses from the Court Experiences Survey. Three combinations of representation were compared: (1) both parties self-represented, with at least one party assisted by a facilitator; (2) both parties self-represented, with at least one party unassisted; and (3) both parties represented by attorneys.<sup>1</sup>

<sup>1</sup> Because survey respondents could not provide information on whether an opposing party who self-represented had used facilitator services, a "pure" unassisted group (i.e. both parties known to have not used any facilitator services) could not be identified. Therefore, this analysis is a relatively weak test of program impact.

The percentage of cases resolved within 10 months was then examined across the three combinations of case representation for the three categories of case types (dissolutions with children, dissolutions without children, child custody/other; see Exhibit 8). For dissolutions without children, nearly all cases in which both parties self-represented (98%) were resolved within 10 months, regardless of facilitator services. When both parties were represented by an attorney, only 46% of cases were resolved in 10 months. For dissolutions with children, 85% of cases with at least one party assisted by a facilitator were resolved in a timely manner, in comparison to 71% of cases with at least one party unassisted, and 63% with both parties represented. And for child custody and other domestic case types, the rates were 56% for facilitator-assisted, 36% for unassisted, and 62% for attorney-represented litigants. It should be noted that the analysis leaves aside other factors, such as case complexity, that can affect processing times.

Exhibit 8  
Percent of Cases Resolved Within 10 Months



Another aspect in which facilitators are presumed to have an important impact on case processing is in the reduction in the number of continuances and hearings due to their review of paperwork prior to litigants' court appearances. It is also possible that facilitators help keep litigants organized and on track, and thereby reduce the likelihood that litigants will fail to appear for court. To investigate these issues, three types of docket codes in the Judicial Information System were examined: the number of continuances, the number of proceedings stricken for non-appearance, and the number of hearings held.

Analyses indicated that cases in which both parties were represented by an attorney had more continuances, more proceedings stricken due to non-appearance, and more hearings held than cases with other combinations of representation across all case types. No differences were found between the facilitator-assisted and unassisted groups on any of the measures.

The analysis of case processing data available in the JIS provided some evidence that facilitator-assisted litigants proceed more quickly through the court system and

improve court efficiency. The available data, however, were limited and lacked a level of precision and detail necessary to fully explore the impact of facilitator programs on court operations.

## SUMMARY AND CONCLUSIONS

This study used a multi-source, multi-method approach to provide an overall assessment of courthouse facilitator programs as currently implemented around the state and to identify issues for consideration for those who develop, implement, and fund their respective programs.

Results from this study indicate that courthouse facilitator programs have become a vital component of the court community's response to self-representation in family law cases. By opening the doors of the courthouse to a large number of individuals who cannot afford legal representation, by reducing litigants' anxiety and confusion about the legal process and their situation, and by helping litigants navigate a complex system of forms and procedures, facilitator programs have, by all accounts, significantly improved the administration of justice.

Further, this study demonstrates that self-represented litigants who use facilitator services, as a whole, have more positive court experiences, have a greater sense that justice was served, and have more trust and confidence in the courts than those who do not use facilitator services.

Results of this study, however, also indicate that facilitator-assisted litigants' perceptions of facilitator services depends upon their type of court case. Litigants in dissolutions without children, arguably the least contentious and complex of family law cases, are more satisfied with the services they receive and have more positive court experiences than individuals involved in dissolutions with children. Further, those involved in child custody cases are consistently the least satisfied of all.

While it may be that the very nature of certain types of cases affects litigants' perceptions of the courts and the services they receive, it also suggests that facilitator programs and the courts should consider altering their approach with respect to the different needs and challenges of different litigants and case types. Ongoing program development and research, as well as collaboration among members of the court community, will be needed to better understand and address these issues.

If you have questions about this report, please contact Thomas George at [thomas.george@courts.wa.gov](mailto:thomas.george@courts.wa.gov).

The complete report is available at <http://www.courts.wa.gov/wsccl/?fa=ccr.publications>.



To: The Board for Judicial Administration

From: Hon. Stephen J. Holman  
Chair, Trial Court Coordination Committee

Date: May 19, 2008

Subject: BJA Trial Court Coordination Grants

I am pleased to report that we had an excellent response to the Trial Court Coordination RFP again this year. Of the seven proposals submitted, the following five will receive a BJA TCCC grant:

**Black Diamond/Bonney Lake/Buckley Municipal Courts - \$14,000**

**In-Custody Hearings:** These three municipal courts in Pierce and King Counties are coordinating efforts and pooling resources to make sure they are complying with the requirements in CrRLJ 3.2.1 to provide inmates with preliminary hearings on the next court day. First, they will be setting up internet-based video conferencing between each of the courts and Buckley jail (they all use that facility). They then plan to sign an interlocal agreement that would allow each of them to hold preliminary hearings for any member courts. They would also work with law enforcement to allow the setting of next-day hearings for those charged with DV or DUI offenses but not held in custody. Finally, they hope to open up the interlocal agreement to other similarly situated courts.

**King - \$28,172**

**Jury Summons Response:** King County Trial Court Coordinating Council has instituted a centralized jury summons service, managed by the King County Superior Court for use in Superior Court; Kent, Tukwila and Kirkland Municipal Courts; and by year-end in District Court. The Council now intends to implement a project to reduce the juror non-response rate throughout King County by:

1. A marketing campaign that will deliver "larger-than-life" messages on Metro buses. The 8 weeks these ads will run will result in more than 32 million impressions.
2. Modifying the appearance and text of the summons and mailing notification to improve the initial point of contact with potential jurors.

**Pierce - \$15,000**

**Volunteer Coordination:** They will be installing an information booth at a key location within the County-City Building that will be staffed by trained volunteers (based on the hospital model). The TCCC funding will be used for consulting services for the development of volunteer services and for the cost of the booth and computer tools.

**Skagit - \$6,715**

**Regional Staff Training:** This project will provide regional training for all line staff from the courts of Skagit, Island, San Juan, and Whatcom Counties (approximately 107 employees). Professional training is provided to court management at conferences each year, but there is not the same level of opportunity for staff training. This training will focus on communication skills.

**Columbia - \$11,000**

**In-Custody Hearings:** This project seeks a solution to the insecure transport of in-custody defendants by implementing a video conference system to enable the judges,

defendants, and court personnel to interact from remote locations. As well as improving security, this will reduce the cost of transporting defendants, particularly when they are housed in adjacent jurisdictions.

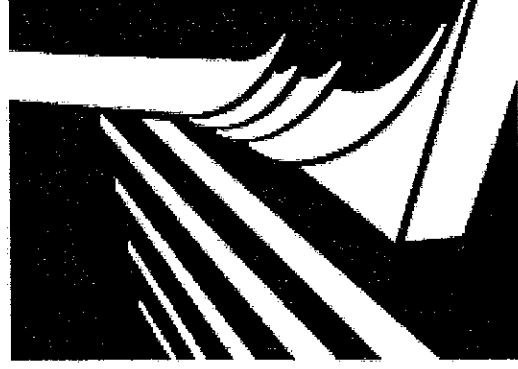
Interlocal agreements are now being prepared by AOC, and once the agreements are signed, funds will be available for disbursement. Progress reports will be submitted for your review at the end of September 2008, December 2008, March 2009, and final project evaluations will be submitted at the end of June 2009.





THE LONG-RANGE STRATEGIC PLAN  
FOR THE BOARD FOR JUDICIAL ADMINISTRATION

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WASHINGTON  
COURTS

# INTRODUCTION

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In August 1999, the final report of the Washington State Commission on Justice, Efficiency and Accountability (JEA) recommended a fundamental restructuring of the Board for Judicial Administration. In January 2000, the Supreme Court amended the Board for Judicial Administration Rules and the Board for Judicial Administration amended their by-laws effecting the changes recommended by the Commission.

The Long Range Plan for the Board for Judicial Administration has as its basis the Board for Judicial Administration Rules (BJAR) and the By-Laws of the Board for Judicial Administration. Taken together, those documents outline the vision, mission, and issues the Board for Judicial Administration is charged with addressing.

"The only way for a decentralized organization like the Washington state judiciary to cast a single vision is through an effective governance structure authorized to adopt policies and provide strategic leadership." – Commission on Justice, Efficiency and Accountability

"The power of the judiciary to make administrative policy governing its operations is an essential element of its constitutional status as an equal branch of government. The Board for Judicial Administration is established to adopt policies and provide strategic leadership for the courts at large, enabling the judiciary to speak with one voice." – BJAR Preamble

This Long Range Plan is designed to formalize that vision as well as to create a platform for on-going operational deployment of the goals, objectives and tasks. While this document must be viewed in the context of planning for the judiciary as a whole, the focus is the specific strategies that the Board for Judicial Administration will employ to achieve its long range goals.

# VISION, MISSION, AND ISSUES

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## MISSION

TO ENHANCE THE JUDICIARY'S ABILITY TO SERVE AS  
AN EQUAL, INDEPENDENT AND RESPONSIBLE BRANCH  
OF GOVERNMENT.

## VISION

THE BOARD FOR JUDICIAL ADMINISTRATION WILL BECOME THE LEADER AND  
VOICE OF THE WASHINGTON STATE COURTS.

## ISSUES

- I. PROVIDE EFFECTIVE LEADERSHIP AND A UNIFIED VOICE FOR THE JUDICIARY
- II. FOSTER INTER-BRANCH RELATIONS
- III. DEVELOP AND MAINTAIN THE JUDICIAL LONG RANGE PLAN
- IV. ENSURE RESOURCES AND FUNDING FOR THE WASHINGTON COURTS
- V. ADVANCE THE ADMINISTRATION OF JUSTICE
- VI. PRESERVE THE INDEPENDENCE OF THE JUDICIARY
- VII. PROMOTE PUBLIC TRUST AND CONFIDENCE IN THE JUDICIARY

# ISSUE I.

## PROVIDE EFFECTIVE LEADERSHIP AND A UNIFIED VOICE FOR THE JUDICIARY

The vision for the Board for Judicial Administration is that the Board serves as a unifying voice and provides strategic leadership to the judiciary. This can only be achieved with the consent and active participation of the judges' affiliate associations. One of the key issues facing the Board for Judicial Administration is to earn and maintain the trust of these associations and to act in the best interest of the judiciary while remaining mindful of the needs of its constituent groups. The goals under this issue focus the efforts of the Board for Judicial Administration on communication and developing a trusting relationship within the judiciary.

### GOAL 1.1 THE JUDICIAL BRANCH WILL SPEAK WITH ONE VOICE

**COMMENTARY:** The cornerstone of the Commission on Judicial Efficiency and Accountability's findings and recommendations was to unify the judiciary through reorganization of the Board for Judicial Administration and the concept that the judiciary "speak with one voice." Speaking with one voice requires commitment, discipline, and a connection among and between the judges of the state and the Board for Judicial Administration.

The overarching desired outcome is that those listening to the judiciary will hear a single message and develop trust and confidence that when they hear that message, it can be relied upon and has the support of the entire judiciary.

"The structure of the Board for Judicial Administration must enable the judiciary to speak with one voice without squelching dissent or pretending unanimity."

"If the judiciary is to 'speak with one voice' the Board for Judicial Administration must truly represent the overall system interests rather than the agenda of individual court levels."

"Members should be selected by their affiliate associations and have explicit responsibility to the judiciary as a whole, not to their respective constituencies."

"Also, as a practical matter it is unlikely that any issue will be badly or arbitrarily decided because of the recognition, shared by all, that ultimately the decisions of the Board for Judicial Administration and the effectiveness of the Board itself must rest on the twin pillars of their intrinsic merit and a broad consensus support from constituent judges."

Commission on Judicial Efficiency and Accountability

This does not mean that individual voices will not be heard. Rather, because the Board for Judicial Administration is a deliberative body, allowing time for members to report to and receive feedback from their colleagues, it is expected that the Board for Judicial Administration will produce results that are supportable by the overwhelming majority of individual judges and their constituent associations, boards, and commissions. The expectation is that judges, having had the opportunity to provide their input, will recognize the overarching benefit to the judiciary of speaking with one voice, even if their personal point of view did not prevail.

Nor does this mean that the Board for Judicial Administration will be the only voice of the judiciary. Inherent in the concept of speaking with one voice is the result of "many voices saying the same thing." If the judiciary is to be truly effective as a collective organization, the messages sent from all judges must be consistent.

**Objective:**

**Provide a conduit through the BJA to promote the interest and consistently express the positions of the judiciary.**

**Task:**

1. The Administrative Office of the Courts (AOC) will create a judicial communication plan. The plan will provide a process to facilitate focused communication regarding issues that arise affecting the administration of the Washington courts. Communication efforts should be tailored to each specific issue, but should generally follow the process outlined in the plan.

**GOAL 1.2**

**THE BOARD FOR JUDICIAL ADMINISTRATION WILL FOSTER COORDINATION AND COMMUNICATION WITHIN THE JUDICIAL BRANCH**

**COMMENTARY:** Consistency of the message within and from the judiciary can only be achieved if members are informed, supported, and coordinated. The Board for Judicial Administration and the judiciary must therefore enhance and maintain a structure for communication and coordination of ideas and activities.

**Objective:**

**Promote communication within the judiciary to facilitate dissemination of information and allow for feedback, input, and coordination of effort.**

**Tasks:**

1. AOC, together with the judges' association boards, will continue to refine and improve the process of judicial review and commentary regarding legislative positions. The web-based legislation tracking system will be enhanced and made available for viewing by judges.
2. The BJA will continue to support the creation of trial court coordination councils. Grant funding will be made available for projects that facilitate communication and coordination among trial court levels and with local justice system agencies.
3. The BJA will encourage the upgrading of the Washington Courts website to provide an easily accessed forum for the exchange and dissemination of court innovations, best practices, ideas, and educational topics.

**GOAL 1.3**

**THE BOARD FOR JUDICIAL ADMINISTRATION WILL FOSTER AND DEVELOP LEADERSHIP WITHIN THE JUDICIAL BRANCH**

**COMMENTARY:** The judiciary's success in earning the public's trust and confidence is dependent upon the presence of strong and recognized leaders at all levels of court. General Rule 29 adopted in April of 2002 defined the position of presiding judge as one of leadership. The Board for Judicial Administration has established the Presiding Judges' Conference to support and develop the leadership skills of judges serving in that position. In doing so, the judiciary has begun to develop a structure that fosters the development of judges as leaders in their courts, communities, as members of judicial branch partner organizations, as representatives of the judiciary, and as elected members of state and local government.

**Objective:**

**Provide education for presiding-judges that focuses on the development of leadership skills and provide tools to be used in the daily management and administration of their courts.**

**Tasks:**

1. AOC-The Presiding Judges' Conference will continue to refine and improve the educational content of the Presiding Judges' Conference. The focus will be on enhancing leadership, management, and communication skills.
2. AOC will provide a one-day-leadership seminar for new-presiding-judges-as-part-of-the-Presiding-Judges' Conference.
- 2-3. Investigate/develop ways to encourage judges to participate in judicial branch leadership activities.

## **ISSUE II.**

# **FOSTER INTER-BRANCH RELATIONS**

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To preserve the integrity of the judicial branch, the courts must remain above the “political fray.” However, the exercise of restraint by the judiciary often results in the perception that judges are disinterested or aloof. This can lead to a significant knowledge gap among the three branches of government.

### **GOAL 2.1**

**PROMOTE AND FACILITATE WORKING RELATIONSHIPS WITH THE EXECUTIVE AND LEGISLATIVE BRANCHES OF STATE GOVERNMENT BASED ON MUTUAL RESPECT AND COMMUNICATION**

**COMMENTARY:** The courts must interact with the executive and legislative branches on issues of keen interest and pertinence to the administration of justice without involvement in the political process. This goal encompasses defining the nature and scope of appropriate inter-branch relations for the judiciary, communicating to the other branches the nature and extent of the restraints on judicial participation in the political process and finally the exercise, within the defined boundaries, of those relations.

### **Objective:**

**Define and communicate the scope of appropriate inter-branch relations for the judiciary.**

### **Tasks:**

1. The BJA will develop a legislative bench book focusing on the nature and extent of judicial participation in the political and legislative process. The bench book will be made available to the judiciary and to members of the executive and legislative branches.
2. The BJA will re-institute informal, topical lunch meetings and pre-session dinners with executive and legislative branch leadership. These meetings will focus on building relationships and improving communication between the branches, as well as providing education regarding current judicial branch issues and court processes.
3. The BJA will encourage judges to offer their local legislators guided courthouse tours.



3.4. The BJA will research the impact of local government inter-branch relations and communications on funding variability across courts relative to available fiscal resources.

# **ISSUE III.**

## **DEVELOP AND MAINTAIN THE LONG RANGE PLAN FOR THE JUDICIARY**

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The judges' associations and various committees each have a role in developing and implementing judicial initiatives within their specific sphere of interest. Collectively, their efforts constitute the agenda of the judiciary. The Board for Judicial Administration is charged with presenting the collective agenda as a cohesive plan. In doing so, the judiciary will project a strong image of thoughtful and deliberate action to the public and other constituencies.

### **GOAL 3.1**

#### **WORK WITH JUDICIAL REPRESENTATIVES TO DEVELOP AND MAINTAIN A COMPREHENSIVE JUDICIAL LONG RANGE PLAN**

**COMMENTARY:** Initial efforts to develop a Long-Range Plan for the judiciary focused on developing a comprehensive inventory of activities including a brief description of the context or impetus for each activity. General agreement was also attained on the major issues facing the judiciary. The focus of the completed Long-Range Strategic Plan will be to build upon the previous work using the framework of this Plan and to articulate the specific goals which current and future activities support.

#### **Objective:**

**Create a long range plan that will collect and formalize the goals, objectives, and tasks supported by current and planned judicial activity.**

#### **Tasks:**

1. The BJA will expand the Long-Range Planning Committee to include judicial partner representatives.
2. The expanded Committee will decide on a process to coordinate the compilation of the Judicial Long-Range Plan.

**GOAL 3.2**  
**EDUCATE THE PUBLIC AND JUDICIAL BRANCH CONSTITUENCIES AND PARTNERS**

**COMMENTARY:** A long-range plan serves two purposes: 1) it directs and focuses the efforts and activities of an organization and 2) it communicates to others what an organization is doing and can be expected to do. It also tells others that an organization knows what it is doing and why. This goal informs the court community and their external partners and constituencies about the activities of the judiciary and demonstrates to them that the judiciary operates with directed purpose based on carefully formulated goals.

**Objective:**

**Inform the judicial branch, judicial branch partners, the legislative and executive branches, and the public of the Long-Range Plan goals.**

**Tasks:**

1. The BJA Long-Range Planning Committee will publish the Long-Range Plan on the Washington Courts website.
2. The Public Trust and Confidence Committee will inform and educate the public on the goals contained in the plan as part of their communication strategy.
3. The BJA Long-Range Planning Committee will provide an overview of the plan goals at the judicial, presiding judge, and court manager conferences.

**GOAL 3.3**  
**DEMONSTRATE THAT THE JUDICIARY CAN BE RELIED UPON TO EXECUTE THE LONG RANGE PLAN**

**COMMENTARY:** The development and distribution of a long range plan creates expectations of performance and execution. Actual performance and execution fosters respect and trust: respect for the organization's ability to do what it says it will do and trust that an organization can be relied upon in future endeavors. To develop the trust and respect of the court community and their external partners and constituencies the judiciary must demonstrate and communicate success in completing tasks that result in meeting objectives in support of stated goals.

**Objective:**

Demonstrate the ability to successfully meet the objectives and complete the tasks that support the plan's stated goals.

**Tasks:**

1. AOC will create a milestone chart to track progress. The chart will include a task list, responsibility, target dates, and status.
2. AOC will publish an annual progress report based on the milestone chart.

## **ISSUE IV.**

### **ENSURE RESOURCES AND FUNDING FOR THE WASHINGTON COURTS**

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The issue of adequate resources for the states' trial courts has long been at the forefront of the judicial branch agenda. Nearly every task force and commission in the past 30 years examining the work of the courts has addressed court funding. These task force and commission reports have been fairly consistent in identifying the nature of the problem and of the solutions. As partial solutions are enacted, new problems emerge making trial court funding an issue that will require constant and vigilant effort to improve funding and safeguard adequate funding once it is secured.

#### **GOAL 4.1**

##### **DEFINE THE RESOURCES THE COURTS ARE CURRENTLY UTILIZING**

**COMMENTARY:** The courts currently have no ability to readily and accurately account for and describe local government expenditures in support of Washington's trial courts in general or for discrete functions. Efforts to define and secure adequate resources can only succeed when compared and contrasted to a current base.

#### **Objective:**

**Provide a mechanism that will precisely account for local government trial court expenditures.**

#### **Task:**

1. The BJA will create an ad hoc committee including judges, court administrators, and local government finance officers, to determine the feasibility of creating a new and discrete trial court accounting and reporting process.

## **GOAL 4.2**

### **DEFINE THE RESOURCES NECESSARY TO OPERATE THE COURTS EFFECTIVELY**

**COMMENTARY:** With the exception of the objective workload analysis methodology employed to estimate judicial officer need, staffing, program, and other funding standards do not exist for trial court budgeting in Washington State. With few exceptions (criminal indigent defense attorney caseload standards, probation caseload standards), national standards do not exist for courts. In order to make the case for adequate funding of the Washington courts, reasoned and accepted staffing, program, and other funding standards must be developed.

#### **Objective:**

**Create a methodology to define standards which will determine trial court program and expense levels.**

#### **Task:**

1. AOC will determine the feasibility of defining funding standards related to trial court programs and expenses.

## **GOAL 4.3**

### **SECURE ADEQUATE, STABLE AND LONG TERM FUNDING FOR THE WASHINGTON COURTS**

**COMMENTARY:** Equal and timely access to justice is dependent on adequate, stable funding of the courts and is essential to the public's trust and confidence in the judicial branch of government. If justice is to be equitably administered and services are to be consistently provided statewide, the functioning of the courts cannot rise and fall with the peaks and valleys of a local economy.

#### **Objective:**

**Secure a stable and adequate funding stream for the Washington courts.**

#### **Task:**

1. The BJA has created a Court Funding Implementation Committee to implement fully the recommendations of the Trial Court Funding Task Force contained in its report, Justice in Jeopardy, released on December 15, 2004 including:
  - Shifting a fair share of those trial court expenses to the state that are mandated by statute or by the state's constitution: judges' salaries at all levels of court, language interpreters, juror costs, witness fees, juvenile dependency representation,

juvenile dependency services, juvenile dependency guardians ad litem, creating the mandatory record of proceedings, mandatory arbitration and indigent criminal defense. To help cover the additional cost to the state, supporting legislation to create new and increased user fees and providing for an annual adjustment to court fees

- Increasing the overall funding of the trial courts to enable courts to meet their constitutional and statutory responsibilities. Supporting legislation creating new general fund resources if the legislature deems it necessary to fund additional state expenses identified above and to ensure adequate trial court funding.
- Creating local court improvement accounts to ensure that a portion of the benefit from the shift of responsibility from county to state government inures to the benefit of the courts.
- Conducting an analysis of the PSEA account to provide for more effective collection and division of court penalties and legislative assessments.

2. The BJA will continue to build upon the Justice in Jeopardy implementation strategy initiated in the 2005 legislative. In 2005, the legislative strategy included the introduction of legislation to increase trial court filing fees combined with requests for state funding of selected expenditures that were identified by the Court Funding Task Force as appropriate responsibilities for the state to assume. The primary expenditures targeted for increased state support in 2005 included criminal indigent defense, parental representation in dependency actions, expansion of civil equal justice, and trial court operations (district court judicial salaries and elected municipal court judicial salaries, and juror reimbursement). A key component in the partial shift of responsibility to the state for trial court operations was the creation of trial court improvement accounts dedicating half of the savings realized by local government to fund improvements to local courts' staffing, programs, facilities, or services.

3. The BJA will explore funding mechanisms which allow for funding incremental impacts which result from legislation. The fiscal impact of legislation is spread statewide resulting in incremental workload increases to individual courts which cannot be practically funded or staffed. Notwithstanding, the cumulative effect of legislation on court workloads is substantial. Therefore, a funding mechanism is necessary which translates the incremental workload increases into rational funding distributions and judicial officer and court staff increases.

**ISSUE V.**  
**ENHANCE THE ADMINISTRATION OF JUSTICE**

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At a time when funding is becoming increasingly limited for core court functions, courts must continue to review their performance and procedures to maximize the use of dwindling resources. Ongoing development of best practices ensures both efficient court processes and acceptable levels of service to court users.

**GOAL 5.1**  
**PROMOTE EFFICIENT AND EFFECTIVE COURT PERFORMANCE**

**COMMENTARY:** In 2000, the BJA established the Best Practices Committee. The Committee's mission is to actively participate in the selection, endorsement, dissemination, and implementation of best practices in court operations and administration. The Committee is committed to a process of continuously developing, assessing and updating those best practices.

**Objective:**

**Identify and disseminate best practices in court operations and administration.**

**Tasks:**

1. The BJA will develop a procedure for prioritizing and referring practices to the Best Practices Committee.
2. The Best Practices Committee will determine best practices for courts that encompass both efficiency and quality of justice.

**Objective:**

**Measure and monitor court performance to ensure the efficient delivery of court services.**

**Tasks:**

1. The Best Practices Committee will assess the feasibility of implementing an automated court performance measurement system to work in conjunction with current case management and other related systems. To do so, the Committee will continue its partnership with Affiliated Computer Systems, Inc. (ACS) to pilot their CourtMetrix system in selected Washington courts. The



ACS system is based on the National Trial Court Standards, and will be customized to capture measurements important to the Washington courts.

2.1. The BJA will oversee the development of the criteria and methods by AOC to conduct court performance audits pursuant to GR 32.

## **GOAL 5.2 IMPROVE THE QUALITY AND CONSISTENCY OF SERVICES OFFERED BY COURTS OF LIMITED JURISDICTION.**

**COMMENTARY:** The Court Funding Task Force recommended that courts of limited jurisdiction should be reorganized into regional courts funded by the state. These regional courts would have jurisdiction over all applicable state laws and county and city ordinances and causes of action as authorized by the legislature. Regional courts would operate full time, have elected judges, and offer predictable, recognized levels of service, including probation. A regional structure for courts of limited jurisdiction will decrease the proliferation of small, limited operation, part-time courts. Ideally, regional courts would offer convenience, consolidated services, staff and administration, and would achieve savings through economies of scale for all participating jurisdictions.

### **Objective:**

**Organize courts of limited jurisdiction into convenient, regional courts which consolidate services now provided by multiple smaller courts.**

### **Tasks:**

1. In order to move toward the long-term goal of creating regional courts of limited jurisdiction, the BJA will support the update of Title 3 RCW including:
  - Authorizing municipalities and counties to provide joint court services by interlocal agreement.
  - Authorizing cities to contract with other cities to form regional municipal courts with elected judges.
  - Emphasizing a collaborative regional approach to provision of district and municipal court services by expanding the role and membership of the districting committee.

## **ISSUE VI.**

# PRESERVE THE INDEPENDENCE OF THE JUDICIARY

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There are two categories of judicial independence: decisional and institutional. Decisional independence pertains to a judge's ability to render decisions based solely on the facts of the case and the applicable law, free from political or popular influence. Institutional independence involves the administrative separation of the judicial branch from the executive and legislative branches of government.

As the courts apply laws that implement public policy, their decisions may appear to be, or actually be at odds with the interests of the legislative or executive branches of government or with public opinion. However, it is precisely this independence that is indispensable if there is to be public confidence in the administration of justice.

## GOAL 6.1

**PROMOTE DECISIONAL INDEPENDENCE SO THAT JUDGES MAY ADMINISTER JUSTICE ACCORDING TO LAW WITHOUT FEAR OR FAVOR.**

**COMMENTARY:** One means of attaining decisional independence is to require that all judges be elected. While no system of judicial selection guarantees perfection, election insures that judges are directly accountable to the citizens, not to an appointing government official.

## Objective:

**Ensure that judges have the freedom to render decisions without political or public influence.**

## Tasks:

1. The BJA will continue to work toward the goal that all judges, including part-time judges in courts of limited jurisdiction, stand for election.
2. To differentiate their responsibilities from those of elected judges, the BJA will support limiting the authority of district and municipal court commissioners.
3. The BJA will examine issues related to contribution levels for judicial campaigns.

## **GOAL 6.2**

**PROMOTE THE INSTITUTIONAL INDEPENDENCE OF THE JUDICIAL BRANCH IN A WAY THAT WILL FOSTER MUTUAL RESPECT AND COOPERATION AMONG THE BRANCHES OF GOVERNMENT.**

**COMMENTARY:** The Court Independence Response Team (CIRT), a Committee of the BJA, was commissioned by the BJA to be both pro-active and reactive to separation of powers and other court-related issues in the Washington State courts. The committee consists of representatives of cities, counties, city attorneys, the ACLU, the Attorney General's office, and others.

### **Objective:**

**Provide a forum for discussion and resolution of issues that arise between the court and the local executive or legislative authority.**

### **Task:**

1. CIRT will continue to monitor local government's adherence to GR 29 (the Presiding Judge Rule), and to educate the courts and local governments regarding separation of powers issues.

# **ISSUE VII.**

## **PROMOTE PUBLIC TRUST AND CONFIDENCE IN THE JUDICIARY**

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The BJA established the Committee on Public Trust and Confidence in 1999 to identify and implement initiatives to enhance public trust and confidence in the State's judicial branch of government.

The Committee strives to ensure that individuals who have contact with the judicial branch of government are treated with respect and equality, as well as to foster a greater understanding of and respect for the judicial branch of government. In 2004, the Committee identified the following goals and projects to achieve a higher level of trust and confidence.

### **GOAL 7.1**

#### **IMPROVE ACCESS TO COURTS STATEWIDE**

**COMMENTARY:** Improving access to courts is seen as a critical first step in improving the public's level of confidence in their court system. Too often, those who visit the courthouse experience both fear and confusion as they try to navigate a complicated legal system on their own. Simple changes in courts statewide will help make a difference in their courtroom experience.

#### **Objective:**

**Facilitate changes in courthouses throughout Washington State to ensure that individuals who have contact with the judicial branch of government are treated with respect and equality.**

#### **Tasks:**

1. The Committee is undertaking two activities to improve access to Washington Courts:
  - Creation of a statewide curriculum for a volunteer docent program.
  - A pilot project identifying 'key confidence interaction points' in courts throughout Washington State.
2. The Committee will work with the civil equal justice community to facilitate the adoption of their recommendations.

## **GOAL 7.2**

### **IMPROVE THE PUBLIC'S AND THE MEDIA'S UNDERSTANDING OF THE COURT SYSTEM**

**COMMENTARY:** To improve the level of confidence in the court system, it is imperative that the public understand how the judicial branch operates and what a vital role an independent judiciary plays in a democratic society. To achieve this level of understanding, the Committee must also focus its efforts on educating the media, so that reporting on court-related matters is accurate and informative.

#### **Objective:**

**Increase the media's level of knowledge of how the judicial branch of government operates; increase the level of public outreach by judges throughout Washington State; and increase the amount of information given to citizens who serve as jurors each day.**

#### **Tasks:**

1. The Committee will develop a local court media outreach how-to kit for all presiding judges, including items such as template annual reports, press releases, guest editorials, and media pamphlets.
2. The Committee will create a curriculum for a "Courts 101" workshop for the media and a companion comprehensive media guide.
3. The Committee will undertake efforts to increase appreciation of jurors, and their understanding of their rights and responsibilities.



The Court of Appeals  
of the  
State of Washington



C.C. BRIDGEWATER, JUDGE  
DIVISION II

950 BROADWAY, SUITE 300  
TACOMA, WASHINGTON 98402  
(253) 593-2204

June 18, 2008

The Honorable Gerry Alexander  
Chief Justice, Washington State Supreme Court  
PO Box 41174  
Olympia, WA 98504-1174

The Honorable Vickie I. Churchill  
Island County Superior Court  
101 NE 6th Street, Fl 1  
P. O. Box 5000  
Coupeville, WA 98239-5000

Re: Additional Judge for Division Two

Dear Chairpersons of BJA:

This is to advise you that the Court of Appeals as a whole has approved the addition of another judge in Division Two to address the overwhelming workload. My request is that BJA approve, endorse and coordinate the lobbying efforts for this additional judgeship in the next legislative session. This issue has been presented to JIJC and was accepted without objection.

Please place this on the BJA agenda for Friday, June 20, if possible. I can provide back up material that Jeff Hall has already received.

Thank you for your consideration.

Sincerely,

*C.C. Bridgewater*

C.C. Bridgewater  
Presiding Chief Judge

CCB:pj  
cc: Jeff Hall  
Beth Flynn